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AN ANALYSIS OF THE PRE-SENTENCE
INVESTIGATION TO DETERMINE ITS CONTRI-
BUTION IN THE DISPOSITION OF CRIMINAL
CASES.

Subtitle: A Study Based on 20 Cases
Covering a Five Year Period Selected
From the Files of the Federal Proba-
tion Office in Boston.

A Thesis
submitted by

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(A.B. Harvard, 1936)

in partial fulfilment of requirements for
the degree of Master of Science in Social Service

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CHAPTER I

Early Philosophy

The problem of crime and punishment common to all societies has been one of major significance in our American culture during the past twenty-five years. Throughout the years punishment has shown a decline in severity and gradual trend toward the ideal of reformation.

The origins of punishment are many and its motivation at any stage of civilization has not usually been single. Specific forms of punishment have been extremely diverse. They exhibit a jungle of purposes, vengeance, deterrence, expiation and finally reformation.¹

While considering our present problems we benefit from an examination of the past. It is not so long ago, when under the Old English Common Law, criminals were quartered, branded, hanged in chains, disembowelled, pilloried and in various ways tortured and mutilated. During this period the object of all punishment was vengeance and retribution, dictated as the case might be by the offense committed. There was no recognition of individual differences, young and old, male and female, normal and insane, diseased and healthy, all were punished alike for the commission of similar offenses.

1 Hans Von Henig, "Punishment" Encyclopedia of Social Sciences Vol. XII (Macmillan Co. New York, 1934) p.713.

"In the nineteenth century we believed that justice consisted of imposing upon the wrongdoer a penalty exactly corresponding with his crime."²

Over a period of years it was evident that this type of punitive justice could ~~never~~ lead to any satisfactory solution of the problem. As a result there began the so-called search for the causes. Students in the fields of sociology and psychiatry attempted to attack the problem at its source. The accumulated findings of these fields revealed that the problem should be handled in a more intelligent manner. They indicated a new approach to the problem based not on the offense committed but on a complete and thorough understanding of the individual in relation to his total situation.

There followed the development of the juvenile court, probation and parole, specialized courts for the handling of offenders and many other institutions in the field based on the feeling that an individual approach was necessary to the understanding of the offender. The whole trend was away from mass handling of criminals.

Professor Saleilles attested to the trend toward individualization.

² Francis Bowes Sayre, A Selection of Cases on Criminal Law (The Lawyers Co-operative Publishing Co. Rochester, N.Y., 1927) p. 20.

The conception of punishment implies responsibility but the application of punishment is no longer a matter of responsibility but of individualization. It is the individual crime that is punished; but it is the consideration of the individual that determines the kind of treatment appropriate to his case. The era of responsibility is completed, that of individualization is beginning. This does not mean the renunciation of the dangerous and puerile fiction, whereby positive and practical applications were derived from mostly abstract premises.³

With the insistence of modern penology on the concept of individualized treatment of the offender, the matter of the imposition of criminal sentence became of prime importance. While the sociologists criticized what they called legal and judicial treatment of offenders, the latter condemned, scorned and ridiculed what they called the mollycoddling of criminals. Philosophies remained in many cases those of vengeance, retribution and justice in terms of offense rather than offender.

Although lawyer and law-maker looked with mistrust upon the social work philosophy which they saw developing, the courts, the greater number of jurists, penologists and criminologists were in agreement with the concept of socialized disposition of offenders in terms of the individual.

Judge Smyth, a learned jurist with a sound legal and social background, stated,

3 Raymond Saleilles, Individualization of Punishment (Little Brown and Co., Boston, 1911) p. 181.

No court should ever undertake the disposition of an offender without being fully advised through investigation concerning his antecedents, environment and personality including his physical and mental condition. Only when these facts are presented can the court act intelligently and constructively.⁴

Present Status

Several states, as well as the Federal government in later years, recognizing the need of the social investigation for purpose of criminal dispositions, made the making of this investigation a function of their probation units. But actual practice of the probation systems has been far removed from the ideal concept of social work philosophy that would provide the court with a complete and comprehensive interpretation of the individual's character, ability, ideals, capacities and analysis of the casual factors in the offender's situation.

Shelden Glueck observed,

The amount and nature of data supplied to the courts to guide them in imposing sentence vary considerably, but in not a few regions even the basic materials of the prior criminal record are unavailable.⁵

Professor Glueck's findings are reflected in the experience and statements of many others interested in the

4 George Smyth, "Organization of a County Probation Department". Yearbook National Probation Association, 1931. p. 91.

5 Sheldon Glueck, Crime and Justice (Little Brown and Co., Boston, 1936) p. 124.

problem of sentence. Probably one of the most authoritative is that of Judge Florence Allen of the United States Court of Appeals for the Sixth Circuit. She states,

When I was first associated with the court of Common Pleas in Cleveland as an assistant county prosecutor, I was impressed again and again with the fact that when men charged with crime received their sentence the court had few facts before it on which to base its judgment. On such occasion the judge usually heard a highly colored statement from the family of the defendant all in behalf of the prisoner. He had before him often a highly colored statement from the prosecutor's office, giving only the bare facts of the man's criminal record.⁶

These observations were typical of the findings of many surveys conducted in the field of probation with particular reference to the use of the Pre-sentence Investigation.

The Attorney General's survey, the results of which were published in 1939, reveals the following:

Where information has been made available as to the investigative practices in various probation departments in all parts of the nation it has led to the conclusion that at the present time this phase of probation work is being carried on in an uneven and unsatisfactory manner. Only in a few scattered probation departments is investigation regarded as a vital, indispensable and basic function.⁷

It is logical to assume that because of the failure of various probation units to make and use the Pre-sentence

6 Matthew F. McGuire and Alexander Holtzoff, "The Problem of Sentence in Criminal Law", Federal Probation, Vol. IV, 1940 p. 20.

7 Attorney General's Survey of Release Procedures, Washington, D. C., 1939 p. 215.

Investigation the inevitable consequence was that there would be unscientific sentencing. The judge in these instances had not had adequate tools placed at his disposal for intelligent disposition.

The Federal Probation Act passed in 1925 states "that the probation officer shall investigate any case referred to him by the court."⁸ It has been the practice of the Federal Service to stress the desirability of making the Pre-sentence Investigations, realizing that an adequate social study is necessary for proper scientific court dispositions. Nevertheless, there exist wide discrepancies in both the number and quality of preliminary investigations being made by the several Federal Units.

Although recent figures of the Federal Bureau of Prisons do not indicate the quality of the Pre-sentence Investigations being made they do show that for the period 1936-1940 the Federal Probation Office in Boston made the following number of investigations of the total cases received: 1937 - ninety nine percent; 1938 - one hundred percent; 1939 - ninety eight and nine-tenths percent; 1940 - ninety six and four-tenths percent.⁹

A comparison with other units indicates that in some only

⁸ Ibid., p. 216.

⁹ Federal Offenders 1936-37. Report of Federal Bureau of Prisons, Washington D.C. pp. 175-312.

four and four-tenths percent of the total number of cases received pre-sentence investigations.

Many of the units studied are new, lack adequate personnel and the time to make a thorough investigation. In all but two districts federal probation officers have been appointed, but the degree in which they are functioning varies widely from district to district. It is only natural therefore that there has been a wide inequality and disparity of sentences; as many judges so stated,

It was an easy matter for them to pronounce sentence if they wished to depend merely upon emotion and the bare facts placed before the court; but if they wanted to see that essential justice was done in view of all circumstances, they had to have a complete report on the defendant at the time sentence was pronounced.¹⁰

Under such circumstances individualization of treatment becomes an impossibility. The purposes of scientific punishment are defeated.

As the result of these findings, the author was encouraged to undertake a study of the functioning of the Pre-Sentence Investigation in the Federal District Court in Boston. Having established the definite need of the Pre-Sentence Investigation and realizing the prevalence of unsatisfactory methods, the author will attempt to ascertain by an analysis of twenty Pre-Sentence Investigations on a qualitative basis,

10 McGuire and Holtzoff, Op. Cit., p. 21.

what they have contributed to scientific and enlightened criminal dispositions, as far as it affects the Federal Court in Boston.

As far as the author can determine no such study has been previously made.

Sources of Material

The writer has in selecting material and data availed himself of the writings of criminologists, social workers and jurists in an effort to obtain a well rounded opinion of the particular problem. These have been undertaken not in reference to any particular theory or practice or in regard to any single court or probation system but on as general a basis as possible. As a probation officer attached to the Federal Court in Boston, it has been the author's duty to make and submit many Pre-Sentence Investigations to the court. Frequent conferences have been held with judges, prosecutors, probation officers and representatives in the field of social work. Previous to experience in the Federal Court the writer was a state agent in the Massachusetts Juvenile Courts for a period of three years.

A questionnaire was submitted to the four Federal Judges in the Massachusetts District Court at Boston to secure their opinions of the Pre-Sentence Investigation as an aid in disposition. The writer will correlate all this information in

the analysis of the cases. Twenty cases, covering a five year period were selected at random from the files of the Federal Probation Office in Boston.

Organization of Remaining Chapters

In Chapter II author will define and explain more thoroughly the concept and practice of the Pre-Sentence Investigation, also the connotation of other terms to be used in the study.

Chapter III will contain a brief statement as to the results of questionnaire sent to judges. Also ten cases where the offender was sentenced to an institution will be analyzed from a qualitative point of view to determine the factors made available by the Pre-Sentence in each instance. In Chapter IV the author will analyze ten cases in which the offender was placed on probation. Conclusions to be drawn and recommendations to be offered will be discussed in Chapter V.

CHAPTER II

In order to present thoroughly and adequately the case material in this thesis, definition of the terms to be used and their connotations will be presented in this chapter. However, before defining these terms, the writer feels that a brief summary of procedure followed in the Federal Court in Boston should be explained to the reader.

When a person is apprehended for committing a federal offense in Massachusetts he is arraigned before a commissioner whose function is tantamount to that of a district court judge. It is the commissioner who determines whether there is probable cause or not to hold a person for the grand jury. In the event a man is indicted by the grand jury, a date is set by the district attorney for arraignment before the court. In most cases disposition is usually made without a trial. However, if a person pleads not guilty he is then advised of his constitutional right to have an attorney appointed by the court to represent him. This right is found in the fifth amendment to the Constitution of the United States and is religiously followed in the Federal Court at Boston.

For purposes of clarity, the types of offenders brought before the court will be presented, thereby giving a more concise picture of the type of defendant usually found in

this court.

The Federal Court for the District of Massachusetts located in Boston has jurisdiction over all offenses against the laws of the United States committed in Massachusetts. These are many in number but those occurring most frequently and which make up the greater percentage of the court's business include the following:

- 1 - Counterfeiting and Forgery
- 2 - Immigration Act Violation
- 3 - Liquor Law Violations
- 4 - Narcotic Drug Act Violations
- 5 - National Bank and Federal Reserve Act Violations
- 6 - National Motor Vehicles Theft Act Violations
- 7 - Postal Law Violations
- 8 - Theft from State Commerce
- 9 - White Slave Traffic Act Violations

Now that the writer has briefly stated the procedure followed in this court and the type of offenses, it would be well at this time to present and define the terms which will be used throughout the thesis.

"The Pre-Sentence Investigation:" also known as the social study of the preliminary investigation, is the medium through which the philosophy of individualization is given to the court. It embodies all the principles and techniques

of the social work approach to the problem of sentence. The first and most important function of the social study is to give the judge a clear, concise, accurate, scientific picture of the offender, the causes of his present difficulties and those factors indicated in his particular circumstances which may lead to rehabilitation.

The method and scope of the Pre-Sentence Investigation varies in most probation offices and courts. There are many factors to be considered; by whom made, the length of time allowed, the factors covered, the quality and intensity of the examination and how reported to the court.

What it should consist of is defined in the following terms by the Administrative Office of the United States Courts.

The Pre-Sentence Investigation aims at neither proving the guilt nor innocence of the defendant. Its primary object is to throw light on the character and personality of the defendant, to offer an insight into his personality needs, to discern the symptomatic basis as to his anti-social conduct and to aid the court in deciding whether in the interests of both the defendant and the community it is expedient to place him on probation or whether some other form of treatment is indicated. In the Pre-Sentence Investigation recognition of the individual is basic.¹

This implies a comprehensive understanding of the individual in relation to his social situation.

1 Bulletin Administrative Office U.S.Courts
(Dec. 1940, unpublished).

The inquiries called the investigation, should give a comprehensive picture of the individual's own world: of his personality, his relationship to others, his immediate environment as seen in relation to him. We should know something of his likes and dislikes, his desires and hopes, his disappointments and failures, his ambitions and plans, his shortcomings and disabilities, his qualities and assets and above all, the possibilities of getting him on his feet.²

The social study emphasizes the needs of the individual and makes understanding of the causal factors paramount.

The Pre-Sentence Investigation as conducted in the Federal Court in Boston covers the following factors:

- 1 - offense
- 2 - past criminal history
- 3 - general reputation
- 4 - personal development
- 5 - financial responsibility
- 6 - family history
- 7 - physical condition
- 8 - mental condition
- 9 - home and environmental conditions
- 10- occupational history
- 11- educational history
- 12- religious history

² Attorney General's - Survey of Release Procedures. (Washington, D.C., 1939), p. 169.

13- family situation

14- causative factors - including the subject's statement as to why he committed the offense.

Before disposition is made in any case, the probation officer has a personal interview with the offender who is informed as to the purpose of the investigation. The interview is directed so as to obtain vital information concerning the offender. Following this initial interview, the probation officer makes home and community visits to obtain required social information. These contacts include visits to other interested social agencies, police, home, neighborhood, employers, churches, schools and any other resource that may divulge pertinent facts concerning the individual.

The information is then compiled, evaluated, interpreted and presented to the court in a written report.

Before the officer concludes the investigative phase of his work he must concentrate on sifting his material, on comparing contradictory information, on evaluating his facts and on considering them in relation to each other.³

"Contribution." It is rather difficult to give a specific definition of this term as it pertains to this thesis. Therefore, the writer feels that Webster's definition will serve as a means of designating the implication he wishes to convey.

3 Sheldon Glueck, Probation and Criminal Justice (Macmillan and Company, 1933) p. 165.

"To give, to lend assistance, to aid, to have a share in any act or effect, to furnish or supply in part."

From the latitude allowed in this definition it is incumbent upon the writer to specify just what contribution is considered to be in his opinion through evaluation of the cases. For our purposes in this thesis we may take the latter part of this definition, namely, to furnish or supply. The former part, that is, to aid, will be left to the judge's opinion relative to the degree of aid furnished by the Pre-Sentence Investigation. The writer will evaluate and analyze these cases from the point of view of determining what factors contained therein have furnished to the judge information which he would not have if the investigation was not made. Concomitant with this information, the writer will present an analysis of the factors which have influenced the defendant in his anti-social conduct.

In other words, the social history of the defendant will be presented; following this the most significant factors will be presented in a summary. By following such procedure the writer feels that not only will the value of his thesis be enhanced but a more constructive analysis for determining the quality of the investigation will be forthcoming.

"Disposition." It is necessary in defining this term

to adhere closely to the legal implication of the term. Disposition may be considered then in a definitive way as the last step in a series taken by the court to administer criminal justice. It is also the means used by the court to either punish, acquit or reform an individual charged with committing an offense against the laws of the United States. There exists in the federal court wide latitude relative to disposition. Such latitude is found not only in the statutory regulations of the laws but also in the discretion which a judge may use through the power of suspending sentence.

The following types of disposition may be used by a judge in the federal courts:

- 1 - Sentence to an institution, penitentiary or jail type
- 2 - Suspended sentence with probation
- 3 - Fine with sentence to an institution
- 4 - Straight probation
- 5 - Fine with probation
- 6 - Straight fine
- 7 - Sentence and probation upon completion of sentence.

CHAPTER III

Through the years society has had within it individuals who had to be incarcerated if the rest of the members of that society were to be protected. This condition has not changed to any great degree nor does the future seem to hold any possibility for its elimination. The writer has purposely premised the contents of this chapter with the above written remarks because it is in this chapter that he will present the cases wherein institutionalization was necessary.

Causes for behavior in individuals which manifests definite anti-social patterns are not usually discernible without a thorough investigation in the personality, environment and physical condition of the defendant. Therefore the writer in making an analysis of these cases will indicate those factors which in his opinion have been instrumental in pre-disposing the defendant to this type of conduct.

He will also attempt to show that the social study is the only sound means of interpreting to the judge the type of offender standing before the bar of justice. Each of the cases will contain the pre-sentence investigation plus an analysis of the salient factors contained therein, followed by the disposition made by the court.

CASE 1.

OFFENSE: Uttering a forged Government check. Defendant with two co-defendants passed a forged Government check. He took this check from a mail box and requested two co-defendants to cash it for him.

PREVIOUS RECORD: 51 arrests, 43 of which were for drunkenness. Other court appearances were for neglect of children and non-support of family.

GENERAL REPUTATION: Subject a rather genial, pleasant, free-talking individual; has a long court record dating back to 1923. Since that date he has been a steady, persistent violator of the law. However, almost all of these offenses have been for drunkenness. One offense in 1929 for neglect of family was connected with and dependent upon subject's abuse of alcohol. Only once has he been held for a serious offense and that was on July 18, 1931, when he was before the Roxbury Court for Robbery. His case was bound over and a No Bill was returned in Suffolk Superior Court. For the past several years he has been without steady employment and has been depending upon WPA and welfare income. He is known to associate with a group of individuals in Roxbury, commonly termed "Bay Rum Addicts" by the Police. He has failed in both work and home adjustment and was divorced from his wife in 1937. He has been unable to accept any responsibility and seems to have profited little by his past experiences. The general opinion is that he is not a particularly vicious or anti-social type of individual but rather an unfortunate, weak-willed person who cannot resist temptation.

PERSONAL HISTORY: Subject was born on May 5, 1906, in Roxbury, Massachusetts. He is the son of Polish immigrant parents who came to this country when they were very young. He remembers little concerning his early health. His early environment was not good; his father was a heavy drinker and often failed to support his family. Several social agencies were interested in the family during subject's early youth. He started school at the age of five, entering the Dudley School in Roxbury. He left at the age of fifteen having completed the seventh grade. He was an average student. Because of the death of his father he was forced to go to work at an early age. He worked for a year doing odd jobs and then at the age of sixteen en-

listed in the Navy, remaining there for three years, from 1923 to 1926, when he received a bad conduct discharge because of drunkenness. However, he claims that he is eligible for re-enlistment. Following his discharge from the Navy he went to work for Brothers Company of Roxbury. He was employed here as a brass worker for about eight years. His income was never large and his work was not always regular. During this period, however, his conduct was much better than it was to prove to be in later years. In 1928 he married Lucy (Burns) of Roxbury. She was well known to officials in the Roxbury Court because of her poor reputation. There were two children born of this union, Marie, now aged ten and John, aged eight. The family relationship was not good. Subject was unemployed a great deal of the time and was drinking very heavily which resulted in frequent court appearances. His wife's behavior was not much better. The Society for the Prevention of Cruelty to Children was interested in this family and had them under supervision. Finally in 1937 his wife was granted a divorce in Suffolk Probate Court for cruel and abusive treatment. A court order was made on subject to contribute toward the support of his wife and children in the amount of six dollars a week. Since that date subject has persisted in heavy drinking and this has resulted in House of Correction and State Farm sentences. Although under order of the court to contribute six dollars a week toward the support of his children he has not always been able to live up to this condition. His wife has been re-married to a man by the name of Vacco. At the time of his arrest subject was living in the south end of Boston, receiving four dollars a week from the Welfare Department.

FAMILY HISTORY:

Father ---- Adolph; born in 1860 in Poland; came to this country at the age of sixteen; died in 1915 in Boston of cancer; had been employed as a brick-layer; was known to the Police and to several Boston Social Agencies; he was a heavy drinker and failed on many occasions to provide for his family.

Mother ---- Anna (Hart); born in 1872 in Poland; came to this country at the age of fourteen; she is 63 years of age at the present time and is now living on Walnut Avenue in Roxbury.

Sister ---- Elsie; 49 years of age; born in Boston; living

on Walnut Avenue in Roxbury; she has been employed by Stone Company for the past thirty-four years as a salesgirl.

Brother --- William; 36 years of age; living in Roxbury; has been employed for the past nineteen years by the City.

Brother --- John Robert; 31 years of age; living in Roxbury; employed by the Hill Company in Somerville as a welder for the past year; he has a court record and was only recently pardoned of implication in the murder of Patrolman Clancy of the Boston Police Department in 1926; he served a long term in State Prison for this offense.

Sister ---- Annie; 51 years of age; living at home in Roxbury.

Wife ----- Lucy (Bruno); 34 years of age; married to subject in Roxbury in 1928; divorced in 1937; has since re-married to a man named Vacca.

Daughter -- Marie; 10 years of age; living with her mother and step-father; attends school.

Son ----- John; 8 years of age; living with mother and step-father; attends school.

PHYSICAL CONDITION: This subject is six feet in height and weighs one hundred and sixty-two pounds. He states that he is in good physical condition. He was treated in the Boston City Hospital in 1939 for varicose veins in his left leg. He denies the use of drugs and claims that he is not suffering with any venereal disease.

MENTAL CONDITION: Subject appears to have the average mental ability. He has a good fund of general knowledge and is a ready and willing talker. He is the product of a poor home environment, being undisciplined and unrestrained for a number of years. He has constantly shown his inability to resist temptation. He is weak-willed, easily led, but not particularly vicious or disagreeable. His moral and cultural tastes are on a very low level.

HOME AND ENVIRONMENTAL CONDITIONS: As a youth the home conditions of subject were not good. His father was a low wage earner, heavy drinker, and failed to support the family. There was illness in the family; his sister Annie and brother William were treated for tuberculosis. After leaving his home environment he spent three years in the United States

Navy. During this whole period he was unrestrained and undisciplined. Since his marriage in 1928 he has lived on a low economic, social and moral level in the rooming house district in the south end of Boston.

RELIGIOUS HISTORY: Subject is a member of the Protestant Faith but is very irregular in his observation of religious duties.

CAUSATIVE FACTORS: Subject denies strongly his implication in the present offense. He admits knowing John Martin and Kathleen Brown over a period of years and doing a good deal of heavy drinking with them on various occasions.

AUTHOR'S ANALYSIS:

Probably the most significant thing that the investigation showed was defendant's long record for alcoholic offenses. Behavior indicated that he was not a definite criminal type but nevertheless an individual of weak will and habits addicted to the use of alcohol. His failure to adjust in work and home were pointed out as other phases of a general social maladjustment. Report goes beyond the instant offense and presents a picture of his early undesirable home and environmental influences.

The information contained in the personal development shows that over a period of years alcoholic excess had become a deep rooted pattern of behavior and was the predisposing cause of the offense.

With reference to disposition there was little in the subject's social history that could be considered by the court as an asset in rehabilitation in the community. The lack of home ties, an acceptable work record, religious in-

terest and defendant's failure to profit from previous incarcerations all contributed to the imposition by the court of a sentence of one year and one day in a penitentiary type of institution.

CASE 2.

OFFENSE: Forgery of Government check. Defendant instructed co-defendant to steal a Government check from a mail box close to his home. Defendant forged this check and had co-defendant cash it.

PREVIOUS RECORD: Five previous arrests, two for larceny, one for receiving stolen goods, one for breaking and entering. On this last offense he served three months in the House of Correction.

GENERAL REPUTATION: This defendant is well known to the Roxbury Police and to the Roxbury Court. He has served one sentence of three months in the House of Correction, on May 21, 1936, for larceny, and also served seventy-seven days at Bridgewater Farm, on January 26, 1939, as a voluntary patient, to cure himself of the drug habit. He is known to associate with a group of colored boys in the Tremont district of Roxbury who bear poor reputations. He is a fairly well educated, smooth-talking negro, and is more apt to be the leader of his group than the one influenced. Several of his group are known as marihuana users and several are suspected drug addicts. Subject is unable to show any stable employment record, yet he is very well dressed. There is a question as to where he gets his funds. Residents of this district can say little good for subject and consider him a bad influence over other young men in the district. He has a pleasing, friendly, subservient manner and as a result of this pose he is apt to impress, while deceiving. He claims he has not used any drugs since his release from Bridgewater. He also denies any guilt in the present case.

PERSONAL HISTORY: Subject was born on May 8, 1912, in Roxbury, Mass. As a child, he suffered the ordinary children's diseases but on the whole his health was good. He entered the Sherwin School at the age of five, completing the grammar school. He then entered the Commerce High School in Boston, being graduated in 1930. From 1931 to 1933, he attended the Hampton Institute in Hampton, Virginia, but was forced to leave because of the death of his father and lack of family funds. His mother claims that as a boy growing up he was well-behaved, obedient, seemed timid, and was unable to get along with other boys in the community. He was a backward type, and she often worried about him because he was such a coward. In high school and college subject took part in track athletics and was considered to be above the

average. Since leaving school, subject claims several employments. Outside of his work with the WPA from March, 1938, to December, 1938, it has been impossible to verify any of his employment. In two instances, places he had claimed to work had not heard of anyone bearing his name. He has no record as a juvenile and his first appearance in court was on August 24, 1932. Since that date, he has been in court and before the police on several occasions. At the present time he is unemployed and living with his mother in Holbrook and in Roxbury with his aunt, Lucy O'Brien.

FAMILY HISTORY:

Father ---- Amerious; died at the age of 63 in 1934, from high blood pressure. He had been a tinsmith with the New York, New Haven and Hartford Railroad in Boston and bore a good reputation.

Mother ---- Cora; age 64; now living at Holbrook, Massachusetts; unemployed.

Brother --- Amerious; died in 1934 at the age of nineteen from spinal meningitis, in Roxbury.

PHYSICAL CONDITION: Subject appears to be in good physical condition. He is five feet eleven and weighs a hundred and fifty-five pounds. He is clean and neat about his personal appearance and states that outside of the ordinary children's diseases his health has always been good. However, on the twenty-sixth of January, 1939, subject went voluntarily to the Bridgewater State Farm to take the cure for his drug addiction. He remained there seventy-seven days. Although both he and his mother deny use of drugs at the present time, there is some question in this regard as he is known to associate with individuals suspected of being drug addicts.

MENTAL CONDITION: There is no record of any mental examination being made and the defendant appears to be of normal intelligence. He is a graduate of high school and spent two years at Hampton Institute, a negro college at Hampton, Virginia. He has a very good vocabulary and is very apt at conversation. He is keen and alert and presents himself in the best possible light.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born and brought up in the negro section of Roxbury. His father was employed for many years as a tinsmith for the New York, New Haven & Hartford Railroad. The family always was well provided for and it appears that they were above the average

negro family, as far as the world's goods are concerned. In 1934, the family moved to Holbrook, where the mother still owns a fairly good-sized farm. Subject has, however, continued to commute back and forth from Holbrook to Roxbury, staying with his aunt, who seems to be economically well-off. He has never lived for any length of time in Holbrook because he does not like the rural atmosphere and life and has also found it difficult to secure employment there. He probably spends four or five days a week in the Roxbury district.

RELIGIOUS HISTORY: Subject is a member of the Twelfth Baptist Church on Shawmut Avenue in Roxbury, but does not attend regular services.

FAMILY SITUATION: The mother, Mrs. Amerius Jones, age 64, now living in Holbrook, Massachusetts, has a four-room apartment and is being supported by the residue of the father's estate and whatever little subject contributes to the household. Subject spends most of his time away from home and the mother approves this, as she says it is almost impossible for him to find work in Holbrook.

CAUSATIVE FACTORS: Subject is of normal intelligence and has had the benefit of a good home life as well as a high school education and two years of college. He has had difficulty in finding steady employment, whether through lack of his own ambition or the scarcity of jobs. His delinquencies seem to be connected in a group pattern. He is one of a number of Roxbury negro youths who idle in pool rooms and are suspected of using marihuanas and also of drug addiction. The police consider him a very bad influence and believe he is taking the line of least resistance in making his way. Because of his above-average degree of intelligence and his shrewd manner of talking and acting, he has thus far found it more easy to stay out of trouble than other members of his group have. Even in the present complaint, he denies all knowledge of the incident, and claims that he is being "framed".

AUTHOR'S ANALYSIS

The background of this negro offender was much different than that of the ordinary negro violator. The study showed that he had the advantage of a sound, congenial home life during his youth and that his parents were able to provide him

with two years of college training. Despite the absence of an extensive criminal record the significant thing that appeared was the testimony of the police and community that he was the leader of a lawless group of negroes. Addiction to drugs at an early age showed a definite personality defect which might have been interpreted more clearly for the court. The absence of any substantial work history gave added strength to the general impression that his livelihood depended for the most part on illegal activities, particularly the sale of drugs for commercial purposes.

These facts were consistent with his part in this offense as it was shown he had influenced another negro to steal the check involved.

In view of this information and the evidence that subject was an intelligent, deliberate offender who because of his own cunning had avoided acquiring an extensive court record he was sentenced to serve two and one-half years in a penitentiary type of institution.

CASE 3.

OFFENSE: Sale and Possession of Tax-unpaid alcohol. Defendant sold one half-pint bottle of alcohol to an agent of the Alcohol Tax Unit.

PREVIOUS RECORD: 25 previous arrests, four for violation of the State liquor laws, five for larceny, five for assault and battery, four for breaking and entering, seven for automobile law violations.

GENERAL REPUTATION: Subject denies several offenses included in the record above and claims that his brother used his name. However, the records of the Board of Probation, the Department of Public Safety, and the Department of Justice all seem to agree that it is the subject's own record; and it is known that the defendant has used his brother, Louis' name, on different arrests. Both he and his family are well known by the Boston Police and Internal Revenue Departments. They were well known bootleggers all through Prohibition, and it is the belief of many that they have continued in business since Repeal, selling liquor to so-called "bums" around Northampton and Dover Streets. Subject has a brother, Louis, with a long court record and another brother, Frank, is now serving time in State Prison. The defendant has a long court record, although he has never served one day in custody. He appears to be dull normal in mentality; is a voluble, swaggering sort of an individual who has not been duly impressed with social obligations or duties, and certainly has little respect for public authority. He has an air of confidence and braggadocio and is not unduly upset about his future prospects as far as this case is concerned. He denies all guilt in this case. He is the product of a low social and cultural level and demonstrates this in his conversation and his attitude. There was a time when he was known to associate with a group of well known pickpockets in the South End but because of his own dull-wittedness and clumsiness he was never able to make a success of this profession. He admits having driven pickpockets to their various scenes of operation for whatever money they might give him from the "take". Most of his employment has been work for his mother and brother. His only outside employment was with a bottling company and he was discharged because of his poor work record. He was lazy, inefficient, and was considered an instigator of various shop difficulties. He is known as a hot-headed, impulsive individual who will use his hands on the slightest provocation.

PERSONAL HISTORY: Subject was born on March 30, 1908, in Boston, Massachusetts. He entered school at the age of five and the school adjustment was very poor. He repeated several grades; was a continual truant; finally being sent to the Roxbury Disciplinary School as a school offender. On October 25, 1933, he was given a suspended sentence to the Middlesex County Training School because of his truancy. He had the ordinary children's diseases but on the whole his health was always very good. His father died in 1910 of pneumonia and from that time on his mother received Mother's Aid to support the family. The family never bore a good reputation in the South End and other members were part of a delinquent pattern that Peter followed along. Upon reaching the age of sixteen, he had completed the seventh grade, and, being of the legal age to leave, he went to work for a bottling company, as a lumper on their trucks, at a salary of fifteen dollars a week. He was an idle, lazy sort of an individual and finally was discharged. After that, subject claims that he worked doing odd jobs, and also as a longshoreman, from 1928 to 1934. All during this subject's younger life, his mother was known to operate one of the largest speakeasies in the South End and he was brought up in a very unfavorable environment. This disrespect for law and order has seemed to permeate his every activity. On February 22, 1935, he married a Lithuanian girl and there are two children of this marriage, Isabelle, aged four and Carol, twelve months. He lived with his mother-in-law and family until 1939, when he moved to Union Street. Since 1934, he has been employed by his brother, Philip, as a truck driver. This brother runs a piggery. Subject arises at four or five o'clock every morning and collects garbage from the various hotels and restaurants in Boston, taking it to Chelsea, where it is used for pig feed.

FAMILY HISTORY:

Father ---- Philip; died in 1910, at the age of twenty-eight, from pneumonia. He had been employed as a janitor.

Mother ---- Isabelle; age 53; residing in the south end.

Brother --- Philip; age 29; living with his mother; employed as an entertainer.

Brother --- Patrick; 35 years of age; lives in the south end; is blind and at the present time unemployed.

Brother --- Louis; age 37; living at Union Street; employed as a longshoreman.

Brother --- Frank; was sentenced on February 26, 1935, to five to eight years in State Prison for assault with a dangerous weapon.

Wife ----- Anne; age 29; living at Park Street.

Daughter -- Carol; age twelve months; living on Park Street.

Daughter -- Isabelle; age four; living on Park Street.

PHYSICAL CONDITION: Subject is five feet seven inches in height, weighs a hundred and eighty pounds, and is a strong, sturdy, muscular sort of individual and appears to be in excellent physical condition. He had the ordinary children's diseases and claims no other serious illness or accidents.

MENTAL CONDITION: Although there is no record of any mental examination being made, subject appears to be of dull normal intelligence and the fact that he repeated grades during the grammar school education seems to bear out this opinion. He is known to be a slow, clumsy individual, impulsive, and the victim of a low social, moral and cultural background.

HOME AND ENVIRONMENTAL CONDITIONS: At the present time, subject is living with his wife and two children on Park Street, south end. He has a four-room apartment in a brick block, for which he pays eighteen dollars a month rent. This is one of the poorest communities in the south end, both from a physical and social point of view. Previous to his marriage he resided with his family in the South End. His mother owned an eleven-room house in this district and the family income was derived, for the most part, from bootlegging activities.

RELIGIOUS HISTORY: Subject is a Roman Catholic and a member of the Parish of Our Lady of Pompeii Church in the south end of Boston. However, he is very irregular in his church attendance.

CAUSATIVE FACTORS: This subject is a product of a broken home, his father having died in 1910, when subject was two years of age. After the death of his father, the mother received Mother's Aid and with the coming of Prohibition supported her family by running a speakeasy. There appears to be a criminal and anti-social pattern running through the siblings. The mother is a typical Italian immigrant and there was little family control or supervision. Living in the neighborhood which he did, subject was bound to come in contact with undesirable associates and this, coupled with his dull mentality, led to a succession of difficulties with the Police and courts.

He seems to have no knowledge of social values at all, and is more impressed by the activities of his criminal associates than anything else. It is believed for a time that he was used as a foil by a group of pickpockets and he admits that he drove them on several occasions to their scenes of operation. He denies the present offense and claims that it is his bad reputation and background that keep the police constantly on his trail.

AUTHOR'S ANALYSIS:

The offense that defendant committed was a minor infraction of the Alcoholic Tax Laws. However the investigation disclosed the fact that he and other members of his family had been engaged in the illegal liquor business for a number of years. He had been in the State courts on similar offenses several times before yet had never been incarcerated. He had failed to adjust in school and in legitimate business, and being of limited mental capacity his attitudes had been strongly influenced by an undesirable home culture and community association. Delinquent pattern had developed over a period of years, his general disrespect and unwholesome regard for authority to him were proper.

Considering individual in terms of his background and attitude toward law and authority, the present offense was much more significant of deep-rooted anti-social behavior. Despite the minor character of the offense the court felt that a jail sentence was necessary because of the defendant's attitude and imposed a sentence of three months.

CASE 4.

OFFENSE: Kidnapping and assault on U. S. Mail Carrier. Defendant while armed forced U. S. Mail Carrier and son to drive him from New Hampshire to Boston.

PREVIOUS RECORD: Arrested 13 times in five years, eleven offenses of breaking and entering, two of robbery.

GENERAL REPUTATION: This young man has a very poor reputation as a glance at his previous record will indicate. He is known to the police and Court officials at the Roxbury District Court as a corner loafer; drunkard; gunman; housebreaker and a youngster with strong criminal tendencies. He has been a problem child since he was first committed to the Lyman School, when only fifteen years of age.

PERSONAL HISTORY: This defendant was born in Boston on October 21, 1920, of normal birth, of American parents, and is one of seven children. He has always been in delicate physical health and as a child was extremely nervous. In 1931 he suffered from severe hemorrhages of the nose and an examination at the Boston City Hospital at that time indicated that he had a leaking valve of the heart. He began school at the age of six and left while repeating the seventh grade at the age of fifteen, when he was first committed to the Lyman School. Due to his physical condition he has never worked very steadily, but while on parole from the Lyman School he worked part time as an order boy in one of the local grocery stores. He worked as a helper for his father-in-law on a farm in Vermont. Following his last parole from the Lyman School in 1937 he went to live with his maternal aunt and present father-in-law, on the latter's farm in Vermont. While there, in January of 1938, he met his wife and a month later was married. Before the ceremony could be performed, however, he had to get permission from his mother as he was a juvenile. After they were married they lived on the farm for two months and then went to live with her mother and step-father in Dover, Massachusetts, for three weeks. Due to his intoxication they were put out of her mother's home and then they went to live with his mother in Roxbury, Massachusetts, where they remained until he was arrested for Robbery and sent to the Massachusetts Reformatory. On

October 7, 1940, subject was paroled from the Reformatory until November 23, 1944. As a result of his marriage, there is one child now living with its mother in Dover, Massachusetts.

FAMILY HISTORY: This young man has a very poor family history and cultural background.

Father ---- Cecile; born in Newburg, New York, October 10, 1895, said to have completed the grammar grades. Up until 1932 he worked irregularly and for small wages as a bus boy, counterman, and assistant manager of restaurants and dining cars. However, his earnings have never been adequate to support the family and have been supplemented by public and private relief agencies. Although he appeared to have been the only stabilizing influence in the home he has received little cooperation from the mother and as a result the children have done about as they pleased. The mother stated that he does not drink or smoke; has no criminal record, but a check at the Roxbury Court reveals the fact that he has a criminal record for larceny and at the present time is wanted for desertion of the family - a warrant having been issued by the Roxbury Court.. He is supposed to have been an easy-going, good-natured individual, who had little authority in the home and has overlooked the wife's shortcomings in order to avoid as much unpleasantness as possible. It appears that from 1932 to 1937 the family were wholly dependent upon public relief, but since then the father has worked as a laborer on WPA projects and earned \$13.75 per week, and this was supplemented by Federal commodities.

Mother ---- Elsie (O'Mara); born on January 18, 1895 at Hartford, Connecticut. She bears a very poor reputation. Claims to have received a grammar school education and after leaving school remained at home. She appears to be mentally deficient; is evasive and unreliable. Apparently little credence can be placed in her statements regarding her personal and marital history. She claims that she was married to subject's father in Hartford, Connecticut, on July 26, 1917,

and when finally questioned about her previous marriage admitted the same, claiming that she was married twice in Hartford, Connecticut, in 1914. However, according to the Social Service Index she was also married to one Clifford Smith. She denies any desertion or intoxication or neglect of the family. According to the records of the Roxbury District Court she has been arrested on several occasions for drunkenness and also idle and disorderly, having served a two months' sentence in the County Jail for violation of her probation in September of 1940.

Brother --- Cecile; born in Toledo, Ohio, on February 3, 1918; left school without completing his course while in the third year of high school; he has worked irregularly as a baker's helper and clerk in a grocery store. He has a double hernia for which he has received treatment in the Boston City Hospital and is restricted to light work. He is single and makes his home with the mother and is employed on the WPA at present.

Brother --- William; born in Toledo, Ohio, on April 15, 1919; graduated from the elementary and high school and since then has worked as a helper on a truck earning \$12 per week. He is single and lives at home.

Brother --- Robert; 18 years of age; born in Boston; now living in Hartford, Connecticut.

Brother --- Raymond; 15 years of age; born in Boston; living with his mother in Roxbury; attends the local public school.

Sister ---- Esther; 17 years of age; born in Boston; living with her mother in Roxbury.

Sister ---- Norma; died in infancy from pneumonia; would be about sixteen years of age.

Wife ----- Bernice (Oakley); born in Boston, the second of four children, of native-born parents, who were divorced in 1932. Both have remarried and she has lived principally with her mother

since their divorce. In July of 1937 she left school and stayed home. In January of 1938 she became infatuated with a divorced man and when the mother tried to break it up she left home and went to live with her father in Vermont. On February 13, 1938, after a brief courtship she married subject in Vermont. They lived at her father's farm in Vermont until March of 1938, when she, tired of farm life, left and went to live with her mother in Dover, Massachusetts. While there, due to subject's excessive use of alcohol beverages, her mother asked them to leave and they went to live with defendant's mother until his arrest in July of 1938. She claims that she knew nothing of subject's previous criminal record.

Daughter -- Arlene; 2 years of age; living with her mother in Dover, Massachusetts.

PHYSICAL CONDITION: This young man at the present time is in very poor physical condition, having just been released from the Boston City Hospital, where he was confined for the past three or four weeks due to being shot by the Boston Police. However, he has always been in delicate physical health and as a child was extremely nervous. He suffered some severe hemorrhages of the nose and an examination made at the Boston City Hospital at that time indicated that he also had a leaking valve of the heart. His mother stated that other than the ordinary children's diseases she is unable to account for his physical condition. He is a young man twenty years of age; is five feet eight and three-quarters tall and weighs one hundred and thirty pounds and is sort of an exhibitionist type, having tatoo on his legs, arms, back and shoulder.

MENTAL CONDITION: This young man has been examined by a psychiatrist on two different occasions. First at the age of fourteen or fifteen when he was examined at the Boston Psychopathic Hospital. At that time there were no mental deteriorations found. He was later examined in 1939 at the Massachusetts Reformatory by Dr. C. H. Adams, and it was found that he was very cooperative; neat in appearance; was frank and open to admit his previous criminal acts. He was considered to have good insight, judgment and foresight and at that time had adequate capabilities for adjustment. He had an I.Q. of 92, with a mental age of 14.8. He was

considered of average mentality. He is, however, at the present time somewhat of a cool, sly, cold-blooded conniving type of youngster, who appears to delight in bragging about his past escapades and his ability to use a revolver. When questioned by the Probation Officer with reference to his use and possession of a revolver in 1937 he stated that he had the gun to use and scare those he was about to rob. Other than this there appear to be no mental abnormalities.

HOME AND ENVIRONMENTAL CONDITIONS: The home and environmental conditions were deplorable. He lived with his mother, brothers and sisters on the second floor of a two-family duplex house situated in Roxbury, Massachusetts. The place was dirty, untidy and very poorly furnished. The home is situated in the slum area of Roxbury and the mother stated that she pays \$20 per month for five rooms.

RELIGIOUS HISTORY: Defendant states that he and the other members of his family belong to the Protestant Religion, but that he has been very irregular in his religious duties. However, it appears that there is very little religion in his family as the mother informed the Probation Officer that she has now changed from the Baptist to the Holy Rollers and apparently is beginning to take an active part in their religious ceremonies.

FAMILY SITUATION: Subject though married has no one depending upon him for support and apparently has never been able to adequately support himself. He and his family have been recipients of public relief for a number of years as has been his wife and child. I understand his wife has divorced him and re-married.

CAUSATIVE FACTORS: This young man is a product of a broken home caused by excessive drinking on his mother's part and poor economic condition. As a youngster he was allowed the unlimited use of the streets without proper supervision together with bad companions and associates. He started his criminal career as a juvenile until today he is a young man with outstanding criminal tendencies.

AUTHOR'S ANALYSIS:

We have in this case a youthful offender charged with the commission of a serious offense. The investigation revealed a most complete picture of his personality and back-

ground. It showed he suffered from ill health as a youth, was nervous and exposed to most vicious and expulsive home conditions. It thus gave some understanding to the growth of criminal tendencies from his first juvenile offense, through his incarcerations and poor conduct while on parole. These offenses were interpreted to show the seriousness of their nature. Of particular importance was the evaluation of his emotions, his desire for recognition, attitude of bragging and delight in describing his exploits. While his maladjustment on many levels was attributed to a large extent to unfortunate home conditions and utter lack of training or discipline, it also pointed out to the court that here was an unstable youth lacking in morals or ideals who exhibited definite criminalistic traits in both his speech, attitude and behavior. Under the circumstances the court saw fit to impose a sentence of ten years in a penitentiary type of institution.

CASE 5.

OFFENSE: Violation of the Mann Act. Defendant transferred a woman, not his wife, from Boston to Portland, Maine, for immoral purposes.

PREVIOUS RECORD: First offense in 1922 for embezzlement and larceny, second offense in 1937 in New Hampshire for larceny.

GENERAL REPUTATION: Subject for the past twenty-two years has led a life that has carried him through several states and employments. Although his previous police record does not appear to be too serious, his general reputation is far from desirable. An examination of his mode of living during these years show him to be both unmoral and immoral. The woman involved in this case is the daughter of one Bertha Allen, with whom he lived as man and wife from 1918 until 1922. He has had several other affairs with women, living with one for ten years in New York as common-law wife. He is an intelligent, keen, smooth-talking individual; he is a typical confidence man, without scruples of any sort. He has achieved financial success in business; is known as an expert bill collector, but his business methods have not been exactly ethical. He has told several conflicting stories to various officials interested in this case, admitting and denying the paternity of Esther Rose. He has also had considerable trouble with his own family who are well acquainted with his past acts and social relationships.

PERSONAL HISTORY: Subject was born on November 1, 1900 in Boston, Massachusetts, the third son of native-born Jewish parents. His early health was good. He started school at the usual age of six. He appeared to be an average normal boy in every way, completed grammar grades of school, and attended Boston English High School for about two months. At about this time he began to show more than a normal interest in girls and his general conduct became of the promiscuous type. Following some difficulty with a girl friend, growing out of a sexual relationship, he left home to go to Worcester - this was in 1918. He lived here as man and wife with Bertha Allen Toomey, the supposed wife of one Andrew J. Toomey. He claims employment during this period with the Worcester Consolidated but a check of records does not verify this fact. During the period of his cohabitation with Bertha Allen Toomey, three children were born - Esther - on November 7, 1918; Harry in 1920, and Ethel Belle in 1921. According to the records at the Bureau

of Vital Statistics in the City Clerk's Department in Worcester, and also in the State House in Boston, Esther was born on November 7, 1918, the daughter of Andrew J. Toomey and Bertha A. Allen. Concerning the paternity of this child, subject has told that the mother of this child - Bertha Allen Toomey - was his wife. The records do not verify this statement. He did claim and later denied paternity of this child - Esther Toomey. The records show that Andrew J. Toomey is the recorded father. Bertha Allen Toomey died March 17, 1922, of Nephritis in Worcester, Massachusetts. Following her death the subject returned, with Esther, to his parents' home in Dorchester. He claimed the child as his daughter and she was brought up as such by his parents until 1935, when he returned to take her away with him. An examination of school, court and social agency records show that this child has always been known as the daughter of Harry A. Wilson. Subject remained away from home for the next sixteen years, failing to support in any way, communicating at rare intervals by mail. He was employed from 1924 to 1928 doing odd jobs; in 1928 he went into the collection business, this business carrying him through several states and cities. For about ten years of this period he lived with one Florence Brown as common-law wife. He claims he met this individual at a pick-up in Roxbury, Massachusetts, later taking her to New York to live with him. For the past two years he has owned and operated an Investigating Service located in Pennsylvania. He was considered to be an expert bill collector and an aggressive, efficient, good-mixing individual. He made contacts with some of the most prominent people in this particular district, and as a result was appointed a Deputy Sheriff. His income averaged between one hundred and two hundred dollars a week, and he was known to live on a secure economic level.

FAMILY HISTORY:

- Father ---- Samuel Brown; died at the age of 35 from heart trouble.
- Mother ---- Esther (Grossman); died in 1937 at the age of 73 from coronary thrombosis.
- Brother --- Julius; 45 years of age; employed as a salesman in Vermont; he has three children.
- Brother --- Albert; 43 years of age; living in Dorchester; a clothing salesman; father of two children.

Daughter -- Esther Wilson; subject has both admitted and denied the paternity of this child. Esther Toomey, known as Esther Wilson; born on November 7, 1918 in Worcester, Massachusetts, daughter of Andrew J. Toomey and Bertha Allen (vi.): although subject now denies paternity of this individual, contrary to his previous statement that she was born of his illicit relationship with Bertha Toomey, he has since her death provided for her support and protection with members of his own immediate family. She has been known in school and in the records of several social agencies as Esther Wilson. She has had several difficulties at home and in school as a result of her promiscuous behavior. As a child she showed more than the average normal interest in members of the opposite sex, and as a result of these actions she was referred to several social agencies for study. She believed subject - Harry Wilson - to be her father, but states that she always considered him more of a "boy friend" than anything else due to the long separation. She has, and appears to be suffering from a definite emotional maladjustment, deep-seated in her attitude toward sex.

PHYSICAL CONDITION: Subject is five feet, eight and a half inches in height and weighs two hundred and twenty-three pounds. He is a healthy appearing, stocky individual who claims that his general health is good. He does not recall any serious illness or accidents. He denies any venereal disease.

MENTAL CONDITION: Although no mental examination has been made of this subject he appeared to be of average intelligence. He is a shrewd, alert, deep-thinking individual, well experienced in the ways of the world with a particularly acute business sense. He appears to be without any sense of morals whatsoever; is untruthful and apprehensive at all times. Considering his sexual relations over a period of years there appears to be a definite emotional maladjustment with a sexual basis.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born and brought up in an average Jewish home with adequate provisions for both physical and other needs. He received good training and education and his parents were deeply inter-

ested in his every act. He left home at the age of eighteen and since that time has led a wandering type of life. His economic status has always been above average. He has associated with a prosperous, sporting group of people, and we find his social life replete with instances of immoral living. For the past five years he has lived with Esther Wilson as man and wife in several different states; most recently in Pennsylvania where he rented an eight-room house which was very well furnished and cared for.

RELIGIOUS HISTORY: Subject is a member of the Jewish faith but freely admits that religion has played a small part in his life since he left home.

CAUSATIVE FACTORS: Subject is of average intelligence, economically successful; has led a free, promiscuous, immoral, irreligious, unrestricted life since the age of eighteen. His difficulties have revolved about dishonest business dealings both inside and outside his own home. He admits to several illicit relationships with various women. There must be a serious emotional maladjustment dependent upon an abnormal sexual drive that has led him to a series of moral lapses particularly the instant case. Also considered in this case should be Esther H. Toomey, known as Esther H. Wilson, who claims that subject is her father, which is denied by him. Her behavior over a period of years has also been promiscuous.

AUTHOR'S ANALYSIS:

In this case the offense committed assumed a much more serious nature when the investigation was able to show that the woman involved was in reality the defendant's daughter.

Inquiry into his early development established a sexual maladjustment in adolescence, which was followed in later years by immoral and indecent relations with several women. Despite this difficulty defendant had been a financial success but his standards in the business world were unethical. He had made poor adjustment in his own family.

The report stated that his behavior seemed to be de-

pendent upon a severe emotional maladjustment of a sexual nature. Author feels that a psychiatric report would have proven valuable to the court in understanding this condition.

An important fact for the court to know was the attitude of defendant's daughter toward this relationship with her father.

While the investigation was able to point out superficially the motivation behind subject's conduct, it did succeed in bringing out his immoral character and habits extending over a long period of time leading the court to impose a sentence of four and one half years in a penitentiary type of institution.

CASE 6.

OFFENSE: Impersonation of a Federal Officer. On three different occasions, during a period of three months, subject, while representing himself as a Government Agent, issued approximately fifty fraudulent checks in the vicinity of Boston, Massachusetts.

PREVIOUS RECORD: First arrested in 1909 at the age of thirteen. Since that date twenty arrests for larceny and forgery. Has served time in five different institutions.

GENERAL REPUTATION: Subject is known to the police of three states. He has a long criminal record dating back to 1909, when he was arrested at the age of nine years for larceny of a team and was given probation in Attleboro Court. From 1909 on he has persisted in his criminal behavior. He has served time in Walpole County Truancy School; Shirley School for Boys; Massachusetts Concord Reformatory; Deer Island House of Correction; the Pawtucket Jail; New Hampshire State Prison, and the Bridgewater State Farm. He is known as a forger and a common thief; is a smooth talker, given to self pity; a cold and deliberate deceiver - absolutely without morals or scruples. Time after time he has violated parole from different institutions and his whole life pattern has followed an unrestricted, undisciplined, immoral and illegal line. He has been an epileptic since 1921, suffering numerous severe and prolonged seizures. There is no question but what this has resulted in definite personality changes and has led to a behavior which will be very difficult to modify.

PERSONAL HISTORY: Subject was born in Attleboro on February 23, 1900. He is the second youngest of four children. Has no recollection whatsoever concerning his early youth. Started school at the age of six and left at the age of thirteen. His school progress was poor; he was a truant and finally in 1913, at the age of thirteen, was sentenced to two years in the Walpole County School for Truants. Previous to this, in 1909, he was before the court in Attleboro for the larceny of a horse and team and was given probation for three months. Home conditions, previous to his committment, had not been good - his father having deserted the family twice; the mother received public relief. In the year 1913 his mother, Susan (Steimetz) died at the

age of fifty-four of cancer. He remained in the Walpole Truant School for two years and then returned to live with his sister in Attleboro. A short time later, in December of 1915, he was again before the court for larceny of a bicycle and sentenced to one year at the Shirley School for Boys. He remained there for one year and was then placed in a foster home in Medford, where he stayed for three months, and again returned to his sister in Attleboro. On April 23, 1917, he was arrested by the Medford Police on a charge of larceny and was returned to the Shirley School. Upon his release he again returned to Attleboro - living in various rooming houses. He worked as a teamster; in lunchrooms and in various jewelry factories in this district. On September 19, 1917, at the age of seventeen, he was sentenced to the Massachusetts Reformatory for a period of five years on a complaint of breaking, entering and larceny. At that time he was employed as a jeweler's helper and was more or less on his own, without any sort of family discipline and training. The girl he was keeping company with was pregnant by this subject at the time of the arrest. At this time examination showed his mental condition to be sane; he was considered bright and intelligent. Was infected with gonorrhea. Record was poor in institution and he constantly disobeyed orders. On November 19, 1918, he was paroled. He worked for the Electric Company in Lynn; worked for a Railroad Company. On October 20, 1919, he married a Margaret (Roche) in Hingham, Massachusetts. It seems that he had met this girl at Revere Beach; proposed marriage and without her having any knowledge of his past record they were married within a few days. In 1920, he enlisted in the Navy in Providence, R.I., receiving a medical discharge a short time later. It was about this time that subject recalled his first epileptic convulsion. He claims he received a brain injury while in training at Newport, and he traces his condition directly to this incident. In 1921, subject returned to the Concord Reformatory, at which time he was in the Boston Municipal Court for forgery of a \$5. check. He had also neglected to support his wife. On September 26, 1922, he was released from Concord on parole, and on October 26, 1922, he was again before the Boston Municipal Court on a \$15. larceny charge, at which time he was returned to Concord for violation of his parole; transferred to the Deer Island House of Correction and then to the Prison Camp in Rutland, Massachusetts. On June 22, 1923, he was paroled with the stipulation that he go to the Monson State Hospital for Epileptics. He was admitted June 22, 1923, and six days later he escaped, and a report from them discloses the following:

"Patient had his first epileptic seizure at the age of 21 - cause, head injury received on the U. S. Ship Huntington. There is an aura preceding his attacks, consisting of a gagging sensation in the throat. For the past three years his convulsions have averaged one a week. Physical and neurological examinations were negative."

As in several other institutions, the information which this subject gave to the authorities showed several discrepancies. On April 20, 1922, his wife, Margaret (Roche), died from cancer of the liver, following a caesarian operation. On June 29, 1923, he was returned to the Prison Camp at Rutland for violation of his probation, and then transferred to the Deer Island House of Correction, from there to the State Farm at Bridgewater. On January 30, 1925, he was released from the State Farm at the expiration of his sentence. At the farm he was considered a good, energetic worker; he had a pleasing personality; was shrewd; a schemer; and known for his ability to plot, plan and maneuver things in general to his own advantage. At this time he returned to Boston, working in various restaurants as a counterman. Because of his physical condition and the increased frequency of his convulsions, he was unable to hold any job for a long period of time. On July 7, 1927, he was arrested by the Malden Police and defaulted; on September 20, 1927, default was removed and he was sentenced to thirty days. In 1929 he was sentenced to State Prison at Concord, New Hampshire for a term of one year and a day, charged with intent to defraud. On March 27, 1930, was sentenced to a term of one to three years in the State Prison at Concord, New Hampshire; on March 6, 1931, he was paroled. On August 26, 1931, was arrested by the Arlington Police for attempted larceny - the passing of a worthless check, at which time he was returned to the State Prison in New Hampshire for violation of his parole. On September 5, 1931, held in the Hillsboro County Jail, Manchester, New Hampshire, on a charge of forgery - held for trial and on September 19, 1931, was returned to State Prison for the violation of his parole for 72 days and two years. January 26, 1934, he was again sentenced to State Prison in Concord, New Hampshire, for two to four years for forging a check under false pretenses. November 15, 1935, he was paroled; April 24, 1935, he was again before the Boston Municipal Court for forgery of several small checks, and while awaiting his return to New Hampshire for violation of his parole on this count, he suffered several severe seizures. May 1, 1936, he returned to

Concord, New Hampshire, for violation of his parole, to serve two years and 72 days; May 8, 1938, he was paroled. In 1939, he was arrested in Pawtucket and in Providence, Rhode Island, as a common cheat and received 60 days sentences in both cities. April 11, 1939, he was arrested by the Attleboro Police on three counts of larceny and sentenced to three months in the New Bedford House of Correction on each count. While in the New Bedford House of Correction he averaged about six epileptic convulsions a day despite the fact he was under the influence of sodium amytals and other strong drugs. The seizures were very violent; the attacks lasted continually, at times for a week, and on the recommendation of Dr. John M. Salles and Dr. Daniel Wexler, he was transferred to the State Farm at Bridgewater, where it was believed he could receive better medical attention. Previous to this offense, he had been keeping company with a young girl in Mattapan. He lived with her for nine months as man and wife in Dorchester. Throughout this subject's development we find a criminal pattern formed at a very young age. He most certainly has been a non-conformist; a sly, slick fast-talker, who has taken advantage of several innocent and decent girls, who has used his epileptic condition as a defense mechanism.

FAMILY HISTORY:

Due to the subject's own mis-statements and mis-representation, facts concerning his family history vary from record to record.

Father ---- Edward; died in 1931 at the age of 60; from dropsy; was employed as an engineer.

Mother ---- Susan (Steimetz); died at the age of 54 in 1913 from cancer.

Brother --- William; age 49; living in New Jersey; occupation, jeweler; has a court record.

Brother --- Charles; age 39; living in Providence, R. I.; employed as a jeweler.

Sister ---- Mrs. Owen; living in Rhode Island.

PHYSICAL CONDITION: Subject was born February 23, 1900, making him 39 years of age. He is five feet seven inches tall and weighs one hundred and ninety-four pounds. He has

a strong and rugged appearing physique. He has no recollection of any childhood diseases. He had influenza and pneumonia in 1918; appendectomy in 1919. He claims his first epileptic seizure was in 1921 and averaged one a week for a period of three years. From then on there seems to have been a gradual increase in both number and severity. He is known to have as many as six or seven within a period of twenty-four hours, with periods of unconsciousness lasting as long as thirty hours. There is no question but there has been severe mental damage as a result of these seizures. In 1917 there was a gonorrhea infection.

MENTAL CONDITION: This subject has been in several institutions over the past thirty years, and examined on several occasions. The results show that he is of average intelligence; sane and without psychosis. Nevertheless, in view of the period that this man has suffered from epileptic seizures, there is no question of his suffering severe brain damage. As in epileptic cases, there is bound to be a personality change and behavior follows an unacceptable pattern. His ability to lie and deceive; his lack of any moral fibre; his persistent violations seem to point to a definite emotional maladjustment.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born in Attleboro on February 23, 1900. As a youth the economical conditions in the home were good; however, the father and mother never did get along. His father was a drinking man and deserted the family on two occasions. There was little home discipline and few advantages for an adolescent boy. At the age of thirteen, subject entered his first institution - the Truant School. Then followed the Shirley School for Boys; a foster home; and the Concord Reformatory. He has been without parental supervision of any kind since the age of thirteen.

RELIGIOUS HISTORY: Subject is a Roman Catholic and claims regular church attendance and speaks freely of his associates among the clergy. However, it appears that religion had little hold over him and it certainly cannot be considered as a factor in the light of his behavior.

FAMILY SITUATION: Subject was married March 4, 1940, to Margaret (Griffin). At the time of their marriage, subject told his wife nothing about his past record and the fact that he had epilepsy, but he did tell her that he was a disabled War Veteran, receiving a Government pension, and all-in-all painted a very beautiful picture for her. It

appears that his wife, who bears an excellent reputation, but who does not appear to be too bright or well informed, was utterly deceived. She is known to be a very religious person; a weekly communicant and a member of one of the most strict orders in the Catholic Church. She, as other girls in subject's life, fell for his smooth talk and his deceitful lies. He now has encouraged her to borrow money to meet his restitution on the several checks involved in the State Court complaint. It is a very unfortunate situation and although the facts have been explained to her she still seems unable to realize what has happened and the significance of her husband's past actions.

CAUSATIVE FACTORS: Subject tells the following story:

He had been gambling heavily; was in debt to the extent of almost \$300; approached by a former companion, an ex-convict, with the proposition of forging checks for an organized gang in Boston, active in this sort of thing. He claims he was given books for several banks by the leader of the gang; forged checks against these banks and was paid a percentage of the profit. Over a period of years he has been known as a lone wolf, who always operated in the same manner, depositing forged checks in banks; opening accounts and drawing checks in small amounts against the same bank. We find this type of procedure in all his offenses. Going back, we find subject the product of a broken home, bad associations and bad example. He was sent to an institution at the age of thirteen, and since then has spent most of his time incarcerated. He has been persistent in his anti-social actions and does not seem to have profited by any sort of correctional treatment. There is very definitely a medical and a mental problem and, as is usual in cases of this type, there seems to be little hope for any modification of his behavior trait in the future.

AUTHOR'S ANALYSIS:

The length and content of this defendant's record as interpreted was sufficient evidence to determine the existence of persistent criminal behavior from an early age. It also showed the type of offense and the methods he used

in most cases. Records while he was incarcerated and on parole proved his inability to respond to this type of care and supervision. But beyond all that his promiscuous and deceiving conduct with several women made him a definite liability in the community.

Study did try to explain this conduct and behavior especially the contribution that his epileptic condition might have made to such a wide manifestation of anti-social conduct. Also indicated was the influence that physical and mental limitations might have in his maintaining a satisfactory work record. Yet defendant had refused to cooperate with agencies who tried to treat this disability. Because of the basis of his criminal tendencies little hope could be seen for a proper community adjustment. Treatment indicated the need for both medical and psychiatric care on a long time basis. As a result, the court imposed a sentence of two and one half years in a penitentiary type of institution.

CASE 7

OFFENSE: Possession of an unregistered still. Allowed co-defendant the privilege of operating a still on property owned by the defendant.

PREVIOUS RECORD: Forty arrests covering a twenty-two year period. Nineteen arrests for drunkenness; no serious infractions of the law or previous liquor violations.

GENERAL REPUTATION: Subject has been in frequent difficulty over a period of years with the Police of Greater Boston. Although his offenses have not been too serious, he has shown a general disregard for law and order and inability to profit from his past experiences. His first court experience was at the age of thirteen in the Boston Juvenile Court for a minor offense of evading a fare. His other offenses include repeated violations of the auto laws of this State; driving under the influence; driving after revocation of his license. During the days of Prohibition he was known as a small time, petty bootlegger, and a contact man, who secured liquor in small quantities for prospective customers. He has ability as a box and barrel maker, but, because of his habits, has been unable to make a success of any business. He most certainly is not a strong-willed character and although not vicious, he demonstrates few socially desirable traits.

PERSONAL HISTORY: Subject was born on March 14, 1905, on Hanover Street, north end, of foreign-born Italian parents. He suffered the ordinary children's diseases, and at the age of two had pneumonia. He started school at the age of five; attended the Eliot School, completing the eighth grade in 1919 at the age of fourteen. He was arrested at the age of thirteen and appeared in the Boston Juvenile Court. A short time later he was again before the court for larceny. After leaving school he worked for Smith Company as a time-keeper, and later as a foreman laborer. He remained with this company for a number of years, and at one time made between \$50 and \$60 a week. From 1925 to 1927, he worked for Vincent Bruno in Boston as a salesman, at a salary of \$60 a week. In 1927 he went into business for himself, conducting the Boston Supply and he averaged about \$50 a week. In February of 1937 he married Catherine (Jones) of Boston, with whom he had been keeping company

for fifteen years. At this time he moved to his present address. From 1937 to 1938 he operated a box company, holding the office of president. This business was located on Summer Street, Boston. Following a fire at this location he was forced to go out of business. For the past seven months he has been operating a Cooperage Company in South Boston. He claims this business is worth \$7,000 and he has an equity of \$700 in it. Although this business has been open since September, the actual manufacture started December 15, 1940. It was at this location that the offense stated in this complaint took part. The general opinion is that none of his business ventures have been successful, and his own conduct and personal habits have been largely responsible for this failure.

FAMILY HISTORY:

Father ---- Nicholas; born in Italy and came to this country as a young man; died at the age of 61 in 1935 in the Boston City Hospital from Loba pneumonia. He had been employed for several years as a foreman for the Alp Company and was an expert cement finisher.

Mother ---- Mary (Considine); died at the age of 48 in 1930 from blood poisoning in her leg.

Sister ---- Mrs. Anthony Lucci; age 37; living in Boston; husband employed as a cement finisher.

Sister ---- Mrs. Peter Cove; age 32; living in Boston; husband is a foreman laborer.

Sister ---- Mrs. Joseph Leeds; age 31; living in Boston; husband employed as a truck driver.

Sister ---- Gilda Russo; age 25; living in Boston; is unemployed.

Brother --- Henry; age 29; living in Boston; is a laborer in a box factory.

Wife ----- Catherine (Jones); age 30; born in Brockton; living in South Boston; she has had two still births - one in 1937 and the last one in November of 1939.

PHYSICAL CONDITION: Subject is 35 years of age; five feet five and a half inches tall, and weighs one hundred and sixty-eight pounds. He suffered the ordinary children's diseases. He had pneumonia at the age of two; two automobile accidents in 1926 and he has suffered from poor eyesight for a number of years. He is known to use alcohol to excess and this is evidenced in his physical appearance.

MENTAL CONDITION: Although no psychiatric examination has been made of this subject he appears to be of normal intelligence. However, there is a very definite defect in judgment and will; an inability to profit by past experiences; and has a tendency to be dishonest and evasive. Most typical of his character is his cowardly, cringing attitude, with marked attempts at gaining friendship and favor.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born and brought up in average economic and cultural situation in a crowded Italian section of the North End. He was one of a large family, whose custom and morals were those of typical Italian immigrants. No doubt his environment probably offered an individual of his capacity and tendencies early delinquent opportunities. He remained with the family for a good many years until his marriage in 1937. At the present time he is living in a four-room apartment, especially well furnished and cared for in one of the poorest localities in the South Boston district.

RELIGIOUS HISTORY: Subject is a member of the Roman Catholic Church; was baptized and confirmed and claims attendance at St. Peter & Paul Church, attending about once a month.

FAMILY SITUATION: Subject and his wife are residing in South Boston. They have been married since February of 1937. Previous to that there was a fifteen year courtship. Relationships are good; family adjustment appears adequate. There have been two still births - one in 1937 and one in 1939, and his wife is still under treatment for complications resulting from last still birth.

CAUSATIVE FACTORS: Subject is a thirty-five year old Italian of average intelligence, with particular ability as a box and barrel maker. Over a period of years there have been several arrests of varying types of minor offenses, which, however, demonstrates a general disregard for law and order. He states that he had no knowledge that he was violating the law in the present offense.

AUTHOR'S ANALYSIS:

Offense with which this defendant was charged was of a minor nature. Although his previous record did not contain any convictions for liquor law violations it did show persistent violation of the law. He was known in his community as an associate of "bootleggers". Report showed that his own early home environment was average but his neighborhood group either engaged in or approved of the illegal manufacture and sale of liquor. It is here that we can discern the growth of behavior along unacceptable lines. Early juvenile record showed the onset of difficulties with the law. Here was a defendant of average intelligence, special ability as a box-maker, who because of his drinking was unable to maintain a legitimate business and turned to other means.

One thing stood out in his personality - that was an evident disregard for law and law enforcement officials and a lack of strong will or judgment.

In previous court appearances he had never been sentenced to an institution. Leniency by the courts had encouraged a further disrespect for law and order. The court felt that an institution was now necessary and imposed a sentence of three months in a jail type of institution.

CASE 8.

OFFENSE: Violation of the Dyer Act. Stole a truck in Boston from his employer and drove it to Arizona.

PREVIOUS RECORD: Two arrests for drunkenness.

GENERAL REPUTATION: Although this defendant has no serious court record, he is well known by the police of East Boston as a panhandler, heavy drinker and gambler. He has been known to Boston Social Agencies since 1924, when he came here with his wife. The general concensus of social workers in the district is that he and his family have been one of their most difficult cases to adjust. Both public and private officials have attempted to do all in their power to aid this family. Subject has a very poor industrial record; has been on the PWA; the ERA and the Welfare; also has been aided by a private agency. Work record shows he has been in business for himself on various occasions, as a fruit peddler, and has also worked for other peddlars in the district. He is low-grade mentally and for two years was in the Wrentham School for the feeble-minded - diagnosis - a moron. Despite his mental defect, he is a smooth, glib talker, given to face flattery, also, has a shallow emotionalism which he has used successfully in the past to arouse sympathy, with good results. He is unable to assume any responsibility and has deserted his family on four occasions, twice at the birth of children. It may be stated, however, that he seems to be guided and directed in his indolent scheming ways by a wife of average intelligence who persists in shielding and protecting him, despite the fact that he has proven anything but a good father to his family. He had a very poor record as a child and was considered incorrigible. It was for this reason that he was examined on three different occasions. In the past, he has been helped in all his difficulties by various public-minded citizens, who have been impressed by his stories of plight and want in his family. However, Welfare records prove that this man is nothing but a professional pauper, who has been a consistent source of trouble, and on occasion has refused to work for Welfare aid. According to Welfare records, in April, 1938, he returned home after one of his desertions, was infected with Syphilis and passed it on to his wife. The City Hospital records show that he was treated on December 22, 1937,

with a diagnosis - Primary Syphilis, and from thereon until 1939 in the Skin Clinic - diagnosis - gastric ulcers and Syphilis. It may be added that throughout the interview defendant was deceiving and used every method possible to arouse sympathy.

PERSONAL HISTORY: Subject was born on June 29, 1904, in New York City. He had the ordinary children's diseases; claims he entered school at the age of five in New York City. He came to Boston at the age of seven and attended Boston Schools; remaining here until the age of eleven, when he returned to New York. He claims he completed the eighth grade, but considering his I.Q. of 76, this can be questioned. From September 5, 1917, to September 25, 1917, he was in the Boston Psychopathic Hospital. Report shows he was oriented as far as time and place was concerned, good memory; no abnormalities or depression - knowledge was poor. The report states that he was considered an incorrigible child from the age of five, and had been in three places for observation - he stole - lied - used vulgar language and had bad associations - diagnosis - not insane - moron. He had fair ability in woodworking. At this time he was discharged to Mr. Louis. After leaving school he lived in New York, where he claims to have worked as an elevator operator, also, as a laundry worker. On December 5, 1924, he was married in New York City; he claims his home environment was good; mother and father were of average economic circumstances. After his marriage he came to Boston with his wife, where he lived in the South End. He was first known to the Family Welfare Society in November of this year; his wife was pregnant; his home conditions were very bad; he was destitute and without employment. The family was aided and his wife received pre-natal care. In 1927, the family returned to New York. In 1931 they returned to Boston. Subject has been on the CWA, the ERA and has been in business for himself on three or four occasions as a fruit peddler and has also worked for other fruit peddlars in the district. He has proved a poor business manager and unable to carry on business for any length of time. On three occasions he has deserted his family, particularly when any stress or serious situation arises.

FAMILY HISTORY:

Father ---- Alphonse; died at the age of 58 on October 12, 1935; in New York of ulcers; had been a musician.

Mother ---- Clara (Meuse); age 58; living in New York.

Brother --- Anthony; 37 years of age; living in Baltimore; employed as a tailor.

Brother --- Frank; age 26; in Hospital at Staten Island, New York - diagnosis - tuberculosis.

Brother --- Michael; age 30; living in Hollywood, California; is an artist.

Sister ---- Mrs. Anthony Gallo; 39 years of age; lives in South Boston.

Sister ---- Viola Vinci; age 29; living in New York with her mother.

Wife ----- Clara (Wijoki); age 34; living in East Boston.

Son ----- Alphonse; 15 years of age; lives in East Boston; attending school and is in the ninth grade.

Daughter -- Dolores; 13 years of age; living in East Boston; attends school and is in the eighth grade.

Daughter -- Rosiland; 12 years of age; living in East Boston; is in the seventh grade.

Daughter -- Carol; 2 years of age; living at home.

PHYSICAL CONDITION: Subject is five feet and a half inches in height, and weighs one hundred and forty-five pounds. He claimed to have been in good physical condition and to have had no serious illness or accidents. However, a check of his medical history shows that he has been treated for syphilis and that on several occasions he has used his "delicate health" as an excuse to avoid working for the Welfare.

MENTAL CONDITION: From September 5, 1917, to September 25, 1917, subject was under observation at the Boston Psychopathic Hospital. Report - "Oriented as far as time and place, good memory, no abnormalities or depression - knowledge poor." Record shows he had been an incorrigible child since the age of five and has been in three places previously for observation. He was known to steal, lie, have bad associations and used vulgar language - diagnosis - not insane - moron. November 17, 1917, to July 18, 1919, was at the Rutland State School for the feeble minded. His I.Q. as of June 20, 1919, showed a mental age of 10 and an I.Q. of 76 - diagnosis - moron. He showed some ability

in woodworking. Despite the low I.Q. of this individual, he is fully capable of scheming and figuring out methods to deceive and arouse sympathy for himself and his family.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born and spent the greater part of his life in New York City. He claims to have lived on an average economic level in a typical urban area. Since his marriage he has lived, for the most part, in East Boston, and despite the fact that he has been on public relief a good part of the time, he has lived above this economic level and has maintained himself by chiselling and borrowing money. His wife is of average intelligence and appears to be the dominant figure in the household.

RELIGIOUS HISTORY: Subject is a Roman Catholic and claims that he attends the Church in East Boston regularly; also displays "pledge" that he signed a short time after his return from Texas, in regard to abstaining from drinking alcoholic beverages.

FAMILY SITUATION: At the present time subject is living with his wife and four children in East Boston; his wife appears to be much superior intellectually, and the driving force in the family situation. She has set subject up in business on several occasions, but he does not seem capable of coming up to her standards. Evidently she came from a better than average home; she is known as a shrewd individual and is considered a difficult problem by Welfare officials, because she persists in shielding and protecting her husband in all his misdemeanors and refuses to cooperate.

CAUSATIVE FACTORS: Concerning the present offense, subject has the following story - he was with his employer at the dog track on a Saturday night, they were both drinking and gambling heavily, and lost large amounts. Subject failed to return home that night, and the next morning his employer gave him \$40 to go to the market in the former's truck and buy some potatoes. However, subject began to gamble and drink again; he kept right on going and travelled to Topeka and sold the truck for \$20. He claims he was drinking during the whole course of the trip; that his mind was a blank; that he did not know what he was doing. This is not the first escapade of this type as subject had deserted on three previous occasions as the result of his gambling and drinking activities. He is of moron intelligence and because of his success in avoiding any serious difficulties, and the fact that he

has always had people who are willing to take an interest in him and come to his aid, he seems to persist in breaking the law. His offenses cannot be attributed wholly to his mental defect, but to his attitude, the influence of his wife and the fact that so far he has been fortunate in not being punished. In his recent case in the lower court for larceny of this truck, one count was dismissed and the ~~second~~ count filed, after restitution was made.

AUTHOR'S ANALYSIS:

Defendant's previous record of two arrests for drunkenness was of little significance for an understanding of his character, personality and general social situation. Investigation showed that he had made a very poor adjustment since his early youth. During adolescence examination established his limited mental capacity and what seemed to be deep-rooted habits of dishonesty. Over a period of years he was known as a most difficult problem to all interested agencies. Despite his mental condition he was fully capable of using shrewd and clever methods to satisfy his means. His maladjustment could not be considered alone in terms of mental defect. In each instance when he found himself in difficulty he could always depend upon some public-minded citizen to listen to his cleverly concocted stories of the reason for his trouble. Through the use of agency and hospital records the report was able to give a much different interpretation to this defendant's offense. He had committed similar offenses before but avoided prosecution or arrest. With these facts before it the court imposed a sentence of

one year and one day in a penitentiary type of institution.

CASE 9

OFFENSE: Uttering a forged Government check. Defendant while under the influence of liquor uttered a forged check given him by co-defendant who had previously stolen and forged it.

PREVIOUS RECORD: Five arrests for drunkenness and one for non-support of wife and children during a six year period preceding this offense.

GENERAL REPUTATION: This subject is not a serious offender although he has been in difficulty with the Police and Court of Boston. His offenses have been those revolving about his continued intemperance. His work record for the past years has not been good and both private and public agencies have been forced to aid his family. His associates have been individuals suffering from the same problem of intemperance. His home adjustment is very poor. Over a period of years he neglected to support and provide for his children; his persistent drunkenness and bad example, coupled with similar behavior on his wife's part, finally forced the authorities to place the children in the home for Destitute Catholic Children in 1938.

PERSONAL HISTORY: Subject was born on April 28, 1900, in Roxbury, Massachusetts. At the age of one, both his father and mother died; he remembers nothing about them at all. At this time he went to live with an Albert Miller in Maine. The latter was employed as a brick layer and offered subject an average home. He recalls very little about his early development and health. He entered school at the age of five and continued to the age of sixteen, completing the first year in High School in 1917. He left at this time to go to work in one of the local shoe factories, where he remained for three years working at a very low rate of pay, continuing to live with his adopted parents. At the age of twenty he came to Boston by himself, secured employment as a bell boy. During the following years he worked at the Mills Theatre and the Gold House. Claims his income averaged \$40 per week. At varying periods of time during the next few years he was employed at the Board of Trade Building and at the Ellis Stores as an elevator operator. This was in 1924. In this same year he married Theresa Kelly in Roxbury on August 29. Following his marriage, he worked in the Chamber of Commerce Building for the next two

years as an elevator operator at a salary of \$18 per week. During the depression he found employment scarce and it was at this time that his heavy drinking became a serious problem. There was a short period from 1932 to 1933 that he was employed by a trucking company in Cambridge as a helper, but from then on it was public agencies, WPA and OPW that supported him and his family. He moved from place to place in the South End, never able to make an adequate home adjustment. It was finally necessary for the authorities to take his three children - Leo, Clara and Catherine, from his custody and place them in the Home for Destitute Catholic Children, which was in 1933. Even after their loss his drinking continued and he seemed to sink lower than before. At the present time he is dependent on OPW aid.

FAMILY HISTORY:

Father ---- John; born in Ireland; died when subject was but one year old, and there is little information regarding him available at the present time.

Mother ---- Alice; born in Ireland; subject never remembers her.

F.Father -- Albert Miller; age unknown; a Frenchman; now living in Lewiston, Maine; employed as a brick layer.

F.Mother -- Clara (maiden name unknown).

Wife ----- Theresa (Kelly); age 36; now living in Boston; poor reputation and known as a heavy drinker.

Son ----- Leo; age 13; now in the custody of the Home for Destitute Catholic Children.

Daughter -- Clara; age 15; in the custody of the Home for Destitute Catholic children.

Daughter -- Catherine; age 11; now in the custody of the Home for Destitute Catholic Children.

PHYSICAL CONDITION: Subject is a man five feet five and a half inches tall and weighs one hundred and sixty pounds. He is rather thin and under-nourished appearing and his weight is very deceiving. He cannot recall early child-

hood diseases. He denies the use of drugs or social disease infection. It is quite evident, however, that the abuse of alcohol has dulled him mentally and slowed him up physically.

MENTAL CONDITION: Subject appears to be of average intelligence; was cooperative and responded in an acceptable manner when questioned. He appears to be entirely lacking in motive and ideals. Lacking in judgment with little appreciation of his own or family needs.

HOME AND ENVIRONMENTAL CONDITION: Subject was left an orphan at the age of one and was raised in a foster home of average economic level with a definite French cultural background. He states that his adopted parents were good and kind to him and that he enjoyed the first twenty years of his life in their home. Since his arrival in Boston he has lived in cheap rooming houses in the South End on a low economic level, in surroundings and associates of low cultural tastes.

RELIGIOUS HISTORY: Subject is a member of the Roman Catholic Faith, but has been lax in his religious observances for a good many years.

FAMILY SITUATION: During the greater part of his married life his relationships with his wife have been anything but congenial. Both being heavy drinkers, there have been frequent family quarrels and disputes resulting in Court appearances; the children were neglected and abused and finally placed in the Home for Destitute Catholic Children in 1938, where they still remain. His residences have been in the cheap rooming house section of the South End. He and his wife have had several separations and the Boston Municipal Court is now interested in their domestic problem. Both of their problems seem to depend upon their intemperance.

CAUSATIVE FACTORS: Subject is a man of average intelligence and education, who was orphaned at the age of one year; brought up by adopted parents and never had the values of good family training and discipline. He has been on his own since the age of twenty, but being of weak will and judgment he became a victim of heavy drinking. He denies all knowledge of the present offense despite the fact that he admits his friendship with co-defendants in this case and the fact that he had been doing a good deal of heavy drinking with them. He admits all this but makes it plain that he did not deliberately attempt to violate the law.

AUTHOR'S ANALYSIS:

This offense was the first committed by the defendant of a serious nature. His past record indicated chronic alcoholism. Study showed he was not a vicious or deliberate offender, that the commission of the crime was largely the result of his being intoxicated at the time. In his background there was an early broken home followed by his living with foster parents until the time he left home and went on his own. The first evidence of alcoholism is pointed out as occurring after the loss of employment. This drinking became chronic eventually leading to the break up of family unit and gradual degeneration of the subject until he was unable to fulfill any of his social responsibilities. A community problem, there were no available assets for probation such as a good work record, interest in family or a desire to help himself. For this reason court imposed a sentence of six months in a jail type institution.

CASE 10.

OFFENSE: Forging and Uttering a U.S. Government check. Defendant stole check from mail box in his rooming house, forged the payee's signature and cashed it.

PREVIOUS RECORD: Ten previous offenses. Six for larceny, one for non-support, one for illegitimate child, one for stubborn child, one for habitual truant. Served five House of Correction sentences, also was at the Middlesex County Truant School.

GENERAL REPUTATION: Subject is a typical, untrained and undisciplined youth, 23 years of age. He has been before the Courts on several occasions for various types of offenses. He has also served short sentences in the Deer Island House of Correction and as a Juvenile was in the Middlesex County Training School for Boys. He has been without any kind of family training or interest since he was five years of age. As a direct result of this his whole attitude and idea on life is warped and mis-directed. His associates are individuals of poor reputation, many of them now incarcerated. His work history has been poor; he has failed to support his wife and children; his every action illustrates an irresponsible, unsocial viewpoint, and it appears evident that he has little conception of what every-day life demands of an individual. There is no question but that his habits are deeply rooted. At the present time he is waiting trial on three counts of larceny in the Boston Municipal Court. According to his own statement, he would rather serve a sentence on the present offense and get it over with, realizing, as he does, full well his inability to live up to the rules of probation.

PERSONAL HISTORY: Subject was born on April 24, 1916, in South Barre, Massachusetts, of Lithuanian parents. He suffered the ordinary children's diseases; also, had a tuberculosis gland in his neck at the age of three. This was treated and he now claims to suffer no ill effects. At an early age his family moved to Chelsea. His home conditions were deplorable; his father and mother were heavy drinkers; immoral and made little provision for the training and upbringing of their children. At the age of seven, subject was before the Chelsea Court as a neglected child and he was committed to the custody of the Home for Destitute Catholic Children. During the following years he

lived at various boarding houses throughout the State. He attended school, starting at the age of five and his progress was normal. His father and mother were separated, his father living in Old Furnace, Massachusetts, where he worked as a farmer. His mother lived in Dorchester with another man - their reputation was poor and they were known to be heavy drinkers. They were before the Court for L.&L.C. At the age of twelve subject returned to live with his mother in Dorchester and attended the Mather School. However, he was unable to make a good school adjustment; was a truant and had difficulty with the teachers. Finally he was committed to the Middlesex Training School in Chelmsford, Massachusetts, where he remained until the age of fifteen, when he was paroled to his mother. A short time later he was returned to the school for larceny of an automobile. Upon his discharge from this school he was placed in the House of the Angel Guardian in Jamaica Plain, where he remained only one night, when he ran away. During the following years he lived with his mother on various occasions, boarded out with a younger brother, Joseph, and spent a short time with his father in Old Furnace, Massachusetts. In 1936 he was the father of an illegitimate child. On October 1, 1936, he married Wanda Gorski of South Boston, remaining with her for only a short time. During this period, despite the fact that Mary Collins, the mother of his illegitimate child was married, he continued his acquaintanceship with her. He had several odd jobs - from 1937 to 1938 he worked for the Hanna Company on Dudley Street, as an exterminator. He worked two weeks on the WPA in 1939. Was fired for failure to live up to regulations. He showed no inclination to work or to support his family. In 1935, he was sentenced to one month in the House of Correction as a stubborn child. During the past two years the frequency and the seriousness of his offenses increased; he was known to be associating with members of the famous gray glove gang in Dorchester - not working and getting his money from some illegal source. He has spent very little time with his wife and family and has shown little interest in their welfare. Wife and child are dependent upon him for support.

FAMILY HISTORY:

Father ---- Anthony; 42 years of age; now living in Old Furnace, Massachusetts, where he has been employed as a farmer for the past fifteen years. He is a native of Lithuania.

Mother ---- Mary (maiden name unknown); age 40; now living in Millis, Massachusetts; native of Lithuania.

Brother --- Felix; age 27; living in Quincy. Subject has not seen him for a good many years as they were never over-friendly.

Brother --- Joseph; age 20; now in the Bridgewater State Farm, where he was committed as a defective delinquent.

PHYSICAL CONDITION: Subject five feet eight inches tall. He appears to be in good physical condition. Had the ordinary children's diseases. A tubercular gland in his neck at the age of three, but claims treatment has healed this condition. He has been at both the Long Island Hospital and the Tewksbury State Hospital for a venereal disease, which he denied at the time of interview.

MENTAL CONDITION: Although no mental examination has been made in this case, I would say from talking to subject, that he is of dull normal intelligence. There is also a very definite personality defect and a deficiency of will and judgment. He is unable to accept responsibility and has shown little social capacity. His ideals and his motives are not normal - his attitude warped.

HOME AND ENVIRONMENTAL CONDITION: In this particular case it seems that home conditions have been very important in shaping his present situation. Up until the age of seven he lived with his father and mother - both Lithuanian immigrants. They were both hard drinking people, and his mother was immoral. There was criminal neglect in the family and no training or discipline. From the age of seven on he lived in foster homes, being placed out by the Home for Destitute Catholic Children. He returned home at the age of thirteen to live with his mother, who was then living with another man - L.I.C. Subject has not seen his father for many years. His total situation since an early age has been of the lowest cultural and economic level. Home factors are entirely negative and expulsive. Driven from his own home he went to the streets.

RELIGIOUS HISTORY: Subject is of the Roman Catholic faith, but has shown very little interest in the church.

FAMILY SITUATION: At the present time his father and mother are separated. Subject's wife is residing in South End with

their son, Charles, eighteen months. At the present time she is eight months' pregnant and expecting birth at any moment. She is receiving Welfare aid. There is some question as to who is the father of the expected child. She is not at all interested in the welfare of the subject; has seen very little of him since their marriage and he never has supported her. Subject likewise is not interested in his wife's situation.

CAUSATIVE FACTORS: Subject a 23 year old youth with a grammar school education, of dull normal intelligence; untrained, undisciplined and a victim of all the misfortune of a poor family background and home life. He was brought up in poor economic and low cultural circumstances, exposed to every kind of vice and sin; placed in an orphanage at the age of seven, and has been tossed about since then and driven to associations in the streets. He has lived by his wits and got along as best he could. Concerning his present offense he was not in need of money at the time he stole this check, but when faced with the opportunity of taking it, could not resist the temptation. Exposed as he has been to degrading home life and example, it is evident that he must unlearn a good many of his ideas on life.

AUTHOR'S ANALYSIS:

A youthful offender yet in a short number of years he had been in almost constant conflict with the court. There was ample evidence of deep-seated anti-social behavior plus membership in an organized gang of criminals. The investigation by a careful presentation of his unfortunate family situation interprets the influence that bad home conditions had on the growth of these attitudes. Lacking in any training, discipline, ideals or ambition he frankly admitted his inability to live up to a probation sentence. He had been promiscuous, failed to assume family responsibilities, had poor work record, little interest in religion. As report

indicated there was definite lack in will, judgment and volition. Attitude typical of deep-seated criminalistic tendencies as previous incarcerations seemed to have little salutary effect; court imposed a sentence of two years in a penitentiary type of institution.

SUMMARY OF CHAPTER III

The offenses in the ten cases studied were of six different types and the sentences imposed varied from three months to ten years.

Eight of the offenders had serious criminal records which were indicative of definite anti-social behavior over a period of years and an unwholesome attitude toward authority. In all of the cases there was maladjustment on different levels. Eight had failed in their family relationships and in all but one instance their work records and industrial stability had been very poor. Four cases presented definite evidence of the need for psychiatric treatment and three others showed that the individual offenders were mentally deficient. In only one of these seven cases was the report of a psychiatrist given to the court.

The social history of five of the offenders revealed serious physical ailments necessitating medical attention.

Of particular significance was the absence in all cases of any strong religious ties or motivation.

In not a single case were there a sufficient number of socially desirable assets in the total situation of the offender to suppose a satisfactory community adjustment.

The picture presented by the ten cases was one of persistent violation of the law, social customs and morals based on various deficiencies within the individual and necessitating varying degrees of institutional care.

CHAPTER IV.

In this chapter writer will present and analyze ten cases of offenders who were placed on probation. As applied by modern courts probation seeks to accomplish the rehabilitation of persons convicted of crime by returning them to the community under supervision of a probation officer. It is a method of individualization. Sheldon Glueck says:

In any but a most superficial sense, this crime treatment instrumentality consists of at least three indispensable elements. (1) The suspension, under conditions and for a period imposed by the court, of the imposition or execution of a sentence on a person convicted of a crime and his retention in the community instead of in prison. (2) The taking of such action only after study by the judge of a carefully prepared report that embodies the findings of an investigation into the offender's make up and career; (3) and the resulting placement of the probationer under the careful supervision of an adequately trained probation officer.¹

Probation can only be successful when the court is fully advised as to the individual in relation to his total situation. The protection of community interests also demands that only those who are capable of rehabilitation be granted this type of treatment.

The writer will analyze each case in an attempt to indicate the contribution of the Pre-Sentence Investigation to the Court's disposition.

1 Shelden Glueck - Probation and Criminal Justice (Macmillan Company, New York, 1933. pp.3-4.

CASE 1.

OFFENSE: Violation of the Mann Act. Defendant induced woman to come to Boston from New York and live with him as man and wife upon the promise of marriage.

PREVIOUS RECORD: None

GENERAL REPUTATION: Subject has been a resident of Boston for less than a year and very little is known of him in this community. He appears to be an ordinary hard-working individual, typical of the tailoring trade that he has followed. He is a neat appearing person of average intelligence, cooperative, and a full realization of his present situation. In his former home of Garfield, New Jersey, his general character is considered to be good. Was always known as a good family man, who appeared devoted to his wife. Marital situation always appeared very stable.

PERSONAL HISTORY: Subject was born on September 20, 1891, in Hungary. He started school at the age of 9, leaving at the age of 14 after completing the 6th grade. Concerning his early life, the family lived on an average economic level and his home life was congenial. In 1907, the family came to New York. His father had saved \$400 at this time. He remained in New York for a short time and then to Chicago, Illinois, where he was employed as a tailor. He remained in Chicago for about ten years and then returned to New York; Chicago remaining his residence. In 1921 he returned to Hungary, where he remained for thirteen months, returning in 1923 and going to Chicago, where subject was employed as a tailor. Remained in Chicago for one year. In 1924 subject and wife moved to New Jersey, where they lived with relatives. All during this period subject was employed in New York as a tailor. Until 1929, his average income was \$200 a month. Since 1929, his work has not been steady. In July of 1939, subject came to Boston to work, his wife remaining in Garfield, New Jersey, with relatives. While living in Boston, in a rooming house, subject began a correspondence with a Connecticut woman through a lonely heart column in the Police Gazette. Following this correspondence, she finally came to Boston, where she remained with him for one night. Out of these circumstances grew the present complaint.

FAMILY HISTORY:

Father:---- Daniel; died at the age of 59, August 15, 1928, from tumor of the arm. He was a carriage and automobile painter and always made a good week's pay.

Mother ---- Helen, age 65; now living in Decatur, Michigan, R.F.D. #1.

Sister ---- Mrs. Anchor Gould, age 49; living in Oak Park, Illinois.

Sister ---- Mrs. Julius Galvin, age 45; address unknown.

Wife ---- Berona, born 1896; now living in Boston with subject.

PHYSICAL CONDITION: Subject is 48 years of age, five feet six and half inches in height and weighs 168 pounds. He claims to have had no serious illnesses or suffered any serious accidents.

MENTAL CONDITION: Although there is no record of any mental examination having been made, subject appears to be of average intelligence. He obtained his formal education in Hungary, completing the sixth grade at the age of 14. Since his arrival in this country, 1907, he has been employed steadily as a tailor. In view of information received it is very difficult to understand what caused subject to commit himself the way he did in the present offense.

HOME AND ENVIRONMENTAL CONDITION: Subject was born and lived, up until the age of 16, in Hungary. He claims his family life was congenial, home life secure and the family income was above average. His family had saved \$400 when they arrived in this country, and subject found employment a short time later. Over a period of years he has travelled a good deal. Since 1922, he has been happily married; there has been no evidence of marital discord. Subject always appeared devoted to his wife. In recent years subject and his wife have been living with relatives in Garfield, New Jersey, because of the decrease in subject's income. At the present time, they are living in a three room apartment paying \$38 a month.

RELIGIOUS HISTORY: Subject claims that he has no definite church affiliation; his father and mother were Lutheran;

his wife a Catholic and most of the time he attended Catholic services.

FAMILY SITUATION: At the present time subject is living with his wife in a three room apartment in Boston. This present predicament is quite a dissapointment to subject's wife, they having been happily married since 1922. However, they have continued to live together and it appears time will heal the breach.

CAUSATIVE FACTORS: Subject came to Boston in July of 1939; he was rooming alone, his wife having remained in Garfield, New Jersey, with relatives. He began a correspondence with a Connecticut woman, through the Lonely Hearts column of the Police Gazette. This correspondence continued over a period of time and he finally suggested that the woman visit him in Boston. At the time this woman came to Boston, subject's wife had also come to live here from New Jersey. He admits hiring a room for this woman and staying with her one night. He states that he never realized the situation would grow so serious, and that he carried on correspondence more or less as a lark. There are many causative factors which might influence an individual to resort to the methods that this subject did. It appears that they are deep-seated in a sensitive family situation and family relationship is rather difficult to define.

AUTHOR'S ANALYSIS:

Defendant was a first offender. The pre-sentence investigation revealed that his general reputation was excellent. Early life in a sound, strong, congenial family group. His work record in various cities showed him to be hard working, honest and reliable. Concerning marital adjustment there had been no evidence of discord and even after the commission of this offense wife had returned to live with him. Also to be considered was his attendance at religious services. These facts certainly did not indicate a serious offender and there were many assets in his situ-

ation. In making disposition of the case the court imposed a fine of \$250, one year and one day in a penitentiary type institution, suspended, one year on probation.

CASE 2.

OFFENSE: Sale and Possession of Tax unpaid Alcohol. An inspector of the United States Alcohol Tax Unit purchased one half pint of alcohol from the defendant.

PREVIOUS RECORD: No previous record

GENERAL REPUTATION: For the past several years subject has lived in cheap rooming houses in and around the Dover Street section of Boston. Despite the fact that his companions are undesirable negroes and whites, his employment record poor, and his habits not of the best, he has not come into any serious difficulty with the police. He is more or less a hanger-on, who frequents the local cafes. Is not regarded as a particularly vicious individual. At the present time he is working for the co-defendant in this case, who bears a poor reputation and it seems to be the general opinion that the former uses this defendant as a "tool" whenever he finds it necessary.

PERSONAL HISTORY: Subject was born on November 20, 1900, in Taunton, Massachusetts. Father and mother were natives of Cape Verde Islands. He claims to have suffered the ordinary childrens' diseases. Remembers nothing of his mother who died in 1907. During his early youth subject's father was employed as a machinist in Taunton, averaging \$45.00 a week. The family moved a good deal and the subject had a difficult time getting along with his father. At the age of 10 he came to Boston to live with an aunt, Mildred Carey whose present whereabouts are unknown. He lived in the Roxbury section of Boston for a number of years and claims to have completed the eighth grade of the Dudley School in 1915, at the age of 15. After leaving school he was more or less on his own; he travelled around the country, doing odd jobs - working as a laborer, waiter or anything that he might pick up. He remained away from Boston until the age of 24, living a nomadic life without any sort of home contact or discipline. Since 1924, he has been living in the South End by himself in cheap rooming houses. During all these years he claims only one employment - the Grant Fruit Company during 1934 and 1937, but this was not steady, he only worked a day here and a day there. At the present time he is working for co-defendants in this case. He has

been employed since September, 1937, as a helper on one of their garbage-collecting trucks. Although he claims Acton Street to be his present address, I have been unable to verify this fact by several visits to the home.

FAMILY HISTORY:

Father ---- Anthony, died at the age of 45 in 1926 in Taunton, Massachusetts, of natural causes. He was employed as a machinist, earning \$45 a week. He was born in the Cape Verde Islands, and subject claims he was a naturalized citizen.

Mother ---- Charlotte; died in 1907, causes of her death are unknown; born in the Cape Verde Islands.

Brother ---- Emanuel; age 34; subject has not seen him since 1933.

PHYSICAL CONDITION: Subject is five feet eight inches tall and weighs 160 pounds, and appears to be in good physical condition. He claims his present health is good; states he suffered the ordinary children's diseases and influenza in 1924; denies V.D. or drug addiction; admits moderate alcoholic habit.

MENTAL CONDITION: Although no record of any mental examination has been made, this subject appears to be a dull, normal individual of limited capacity and intellect. He claims to have graduated from the Dudley School, completing the eighth grade - I have been unable to verify this fact. He is an easy-going, irresponsible, slow-witted individual of low cultural tastes.

HOME AND ENVIRONMENTAL CONDITIONS: Mother died when he was but seven years of age and he remembers very little about her. After his mother's death there was difficulty in the home and subject left and went to live with relatives in Boston. His whole background was on a low cultural and economic status and he had little home influences or discipline. Since his early youth he has travelled about the country doing odd jobs here and there and living in cheap rooming houses - at the present time he is living in one of the poor sections of the South End and associating with people of undesirable reputations.

RELIGIOUS HISTORY: Subject claims to be a member of the Protestant faith, but cannot remember when he last attended

church services.

FAMILY SITUATION: Both his parents are dead and the whereabouts of his brother, Emmanuel, are unknown. For over twenty years subject has been more or less on his own, living alone in cheap rooming houses. He has been without the benefit of any wholesome family influence, responsibility or obligation.

CAUSATIVE FACTORS: Subject is a 39 year old negro of dull normal intelligence, with a grammar school education who for over twenty years has been without any home influence. His mother died when subject was 7 years of age: he left home at the age of 10 and has not seen his father since that date. He does not appear to be a vicious or deliberate type of individual; his needs have been small and it has not taken much effort to satisfy him. Since September of 1939, he has been employed by known bootleggers and individuals of poor reputation. It seems to be the general opinion that he has been used by them as a "tool" and he is not a principal in any of their operations.

AUTHOR'S ANALYSIS:

An important part to consider in this case was the absence of any previous record. The study traces and interprets subject's development, showing a broken home at an early age, followed by a nomadic existence without any provision for family training or discipline. While defendant was of dull mentality and had been exposed to all the evils of an unhealthy environment he had yet made a satisfactory adjustment within his own individual limits. There was no evidence of any anti-social behavior or traits but rather the picture of a dull, easy going negro being influenced by known "bootleggers". He was working at legitimate employment at the time of the offense. Report gives a very good interpretation of his cultural background and

adjustment under the circumstances. Court as the result of these facts placed defendant on probation for one year.

CASE 3.

OFFENSE: Violation of the Mann Act. Defendant a married man travelled from Springfield, Massachusetts, to Ohio with another woman for immoral purposes.

PREVIOUS RECORD: None

GENERAL REPUTATION: Is the oldest son of a respected and hard-working family. Married in 1936 at the age of 20. Is the father of two children. Both he and his wife bear good reputations in the community, and since their marriage he has always supported his family. Until the incident involved in the present complaint, was always considered a good father. As far as police records are concerned, he has never been in any difficulty in this district. He has a high school education and was considered an above average athlete at the Chicopee High School. He has all the normal interests of a young man his age. It is the general opinion that he might be a bit lacking in responsibility, and have an inadequate impression of social customs and morals, but it appears that he has been the victim of temptation. His work record has always been good and he has shown ambition, in that he has taken night trade training.

PERSONAL HISTORY: Defendant was born June 14, 1916, in Chicopee Falls; had the ordinary children's diseases. He started school at the age of 5, completed the grammar school, spent four years in the Chicopee High School, graduating in 1933 at the age of 17. School work above average and he was an active participant in all school activities. Growing up he was considered a normal boy and bore an excellent reputation in the community. From 1933 to 1934, he worked for a rubber company in Chicopee Falls as a general clerk at an average salary of \$15 per week. Then followed several odd jobs, then interrupting periods of unemployment. From January 3, 1936 to March 7, 1938, he worked for the Arms Company, Broadway, Chicopee Falls, doing assembly work and averaged from \$18 to \$35 a week. June 26, 1936, he married Lillian Small in Springfield. At the time of the marriage, subject's father secured a waiver of the five day law in Chicopee, as, at this time the bride-to-be was pregnant. In this crisis subject re-acted favorably and wanted to do the thing that was right for the girl. In March of 1938, subject was laid off at the Arms Company because of poor business. At this time he was forced to accept local Welfare Aid. He did this

for a short while and then on August 4, 1938, a Mr. Delphis gave him a job at a Confectionery Store in Springfield as manager at a salary of \$22 per week. He remained here until January 12, 1940, when the store changed ownership and the new manager was unable to employ him. It was while working at this store he became acquainted with Margaret Ryan of West Springfield. This friendship continued over a period of nine months, the latter at that time was employed at the Modern Supply Company, located very close to the subject's place of employment. On January 13, 1940, the day after loosing his job, subject eloped with Miss Margaret Ryan and they continued on a trip which took them to Buffalo, Niagara Falls, Youngstown and then to Cleveland.

FAMILY HISTORY:

Father ---- Frank; age 52; living in Chicopee; employed by a rubber company in that town for the past several years. He bears an excellent reputation in the community. Is known as a good family man and is held in high esteem by his employer.

Mother ---- Alice; 47 years of age; living in Chicopee; bears an excellent reputation and is known to be a good mother and excellent housekeeper.

Sister ---- Dorothy; age 22; living in Chicopee; employed as a court stenographer.

Sister ---- Christine; age 17; living in Chicopee; student at High School

Brother ---- Robert; age 15; living at Chicopee; student at High School.

Wife ---- Lillian; age 27; living in Chicopee

Daughter ---- Dorothy Ann; age 4 months; living at Chicopee

PHYSICAL CONDITION: Subject is five feet, six inches tall, weighing 155 pounds. Is in good physical health. He suffered the ordinary children's diseases.

MENTAL CONDITION: Subject is of average mentality; his school progress was normal. Graduated from High School at the age of 17. His parents report that his high school record was above average. His interests appear normal, his attitude on the whole has been very good. He does not

appear to be anti-social or of a vicious nature, and the present offense cannot be viewed as due to any mental aberration, but rather the inability of the subject of young years, to resist temptation.

HOME AND ENVIRONMENTAL CONDITION: These have been excellent since the time of subject's birth. His own father and mother were happily married and have a normal, four-child family. They have always lived on an above average economic level; there appears to have been a strong emotional content in the home, and a father and mother who certainly have given their best to train and educate subject and other members of the family. Since his marriage at the age of 23, home conditions have continued to be at least average. Subject seems devoted to his children, and he has been blessed by a wife who seems to be far above the average mother and housekeeper.

RELIGIOUS HISTORY: Subject is of the Protestant Faith and is a member of the White Methodist Episcopal Church in Chicopee. He claims his attendance is very irregular.

FAMILY SITUATION: Subject is married, father of two young children who are dependent upon him for support. He was married at a very young age - 20 - and at that time his wife was pregnant. His wife appears to be a good housekeeper and has a sincere devotion for her children and also a deep love for her husband. She has publicly stated that if she can't have him nobody else will. At the present time, she is perfectly willing to have him return to live with her, this, despite subject's actions during the past year.

CAUSATIVE FACTORS: Subject, 23 years of age, of average intelligence; high school education; the product of a good home and environment; no previous criminal record; a married man with a wife, who seems devoted to him and two lovely children, who he has always tried to support. He is certainly not a vicious or anti-social type and his offense can only be explained by his inability to resist temptation offered by the other person in this case. It may be said in this light, that this latter individual knew full well that subject was married; that she had been accustomed to associating with various other men in West Springfield and Springfield, and that she furnished part of the funds for this escapade. It appears likely that due to the young age at which subject was married, and the circumstances involved that he might have felt he had missed a good deal of the life and doings that some other young men enjoy. He claims to have been distressed by the loss of his job, and infatu-

ated with the girl in this case. Forgot all his responsibilities and obligations and did not realize what he had done until reaching Youngstown. At this time he had made plans to send the girl home and he himself was to return home to his wife and children.

AUTHOR'S ANALYSIS:

Defendant was a first offender charged with a serious crime. There had never been any anti-social conduct before. One of five siblings of a well regarded family group, he had a good school record, showed normal interest in boys' activities and was ambitious enough to continue on into night school. His occupational adjustment was satisfactory. Although there was some evidence of lax morals in his forced marriage he had previous to this offense been a good husband and father. Proof of strong family ties was the desire of his wife to have him return. Report points out that on a few previous occasions he had been easily led. In interpreting offense there was evidence that under the emotional stress of losing his position and being infatuated with a woman of loose morals he was influenced to do what he did. There were many hopeful factors to be considered in his future situation and extenuation circumstances in the offense. For this reason court placed him on probation for one year.

CASE 4.

OFFENSE: Larceny from Mail Box and Accessory Before the Forgery of a Government Check. Stole check from Mail Box, gave it to co-defendant who forged and cashed this check. Proceeds were divided equally.

PREVIOUS RECORD: Three previous arrests. One for larceny; one for non-support; one for illegitimate child.

GENERAL REPUTATION: This defendant is well known to Roxbury police and court officials. Although he is not considered a vicious character he is known to associate with a group of undesirable boys. He is an easy-going, light-hearted, irresponsible individual. Community opinion is that he is apt to be easily led. His record does not reveal any particularly bad criminal behavior. I can find no record of any permanent employment; the greater part of his life he was supported by his mother. Since his marriage at the age of twenty, he has been on the W. P. A., and received Welfare Aid. He appears indifferent and wholly unconscious of his social obligations and not at all impressed by the seriousness of the present offense.

PERSONAL HISTORY: Subject was born on November 25, 1918, in Boston. As a child he was troubled with a bad heart condition. Also suffered from the ordinary children's diseases. He entered school at the age of 5; repeated the first grade due to illness. Graduated from school in Roxbury in 1931. Then went to Trade School for half a year, leaving there in December, 1931, to go to a prep school in Orange, N. J., where he claims he completed the third year. Subject's father died when he was very young and he has no recollection of him whatsoever. His mother has supported subject and younger brother by doing day work. It appears that subject never had adequate home supervision and was left more or less on his own. From 1937 until 1938, he claims to have worked at the Ray Kitchen in Marlboro, Massachusetts, as a cook. I have been unable to verify this employment. The only other employment was for one week in November, 1939, with a stove company in Boston. Wages \$18 weekly. Dismissed because of his lazy, indifferent attitude. On August 8, 1938, he was married in Boston, Massachusetts. There was a child, Constance, born before this marriage and defendant had been brought before the court for refusal to support the child. There is also another

child, Patricia, age 9 months. On July 18, 1939, defendant was sentenced to 6 months in the House of Correction for non-support. Since his marriage he has made no attempt to secure work and depended upon W. P. A. and Welfare to support his wife and children.

FAMILY HISTORY:

Father ---- Louis; subject could not give any information concerning his father.

Mother ---- Katherine; age 37, living in Boston as a maid.

Brother ---- Louis; 18 years of age; living with another; employed in a market.

Wife ---- Claudia; age 19; living in Boston

Daughter ---- Constance, age 2; living with her parents.

Daughter ---- Patricia, age 9 months; living with her parents.

PHYSICAL CONDITION: Subject appears to be strong and healthy. Active interest in athletics. However, as a child he suffered from a bad heart condition and he claims that this limits his activities. He claims he uses no alcohol.

MENTAL CONDITION: Although we have no record of any mental examination, the defendant seems to be of normal mentality. He seems to lack in will and certainly has an unwholesome social attitude. He has done about as he pleased since he was a youth and had failed to recognize his family responsibility. Appears entirely unimpressed with his social responsibilities.

HOME AND ENVIRONMENTAL CONDITION: At the present time defendant is living with his wife and two children in a three-room apartment in the negro section of Roxbury. He is paying \$16 a month rent. The home is well furnished and taken care of. His wife appears to be a young impressionable sort of a negro girl, who is not disturbed or upset about her husband's difficulty. Both husband and wife appear to be very young to assume the responsibilities which they have. Subject was brought up in the negro section of Roxbury, and it appears that he never had adequate supervision. He has taken the lines of least resistance and his associates have been mostly of the questionable kind.

RELIGIOUS HISTORY: He is a member of the Protestant Church in Roxbury; he is not regular in his attendance.

FAMILY SITUATION: Defendant now living with wife and two children. The older of these two children was conceived out of wedlock and defendant had some difficulty with the Roxbury Court concerning this incident. After their marriage a second child, Patricia, was born. Despite the circumstances under which this marriage was consummated, the couple seem to be congenial and enjoying a happy home life. Neither father nor mother seem particularly well acquainted with their social obligations and appear perfectly happy to accept welfare aid. His wife claims that her grandmother and relatives have persecuted the family and has always objected to her marriage. She claims this is the only disturbing element in the family situation; subject's mother seems satisfied with his family situation and offers the suggestion that his wife will be a big help to him.

CAUSATIVE FACTORS: Subject is the product of a home with little parental supervision; his father dying at a very early age, and since that time his mother was forced to work outside the home supporting the family. He had average success in school; his court record shows only one instance of a juvenile delinquency. He appears to be an easy-going, undisciplined, carefree individual, not vicious or malicious but uneducated to social duties. He has average intelligence and a keen sense of humor. In the present case, there seems to be no question but that he was influenced by co-defendant, an individual much older than himself and well acquainted with undesirable procedures.

AUTHOR'S ANALYSIS:

Defendant had been before the state court and served one sentence of six months. The outstanding feature of his personality was an indifferent attitude and general inability to appreciate the consequence of his actions. Examination showed that his home was broken when subject was very young. Mother attempted to care for and provide a proper home environment but was unable to give necessary training and discipline. In his poor work record and pre-marital

relations there is additional evidence of a lack of well rounded philosophy or purpose of life. What the report did do for the court was to interpret these attitudes and actions as a reflection of his culture pattern. Traits had not resulted in serious difficulty and since it was shown that subject was influenced by a professional criminal the court saw fit to place subject on probation for one year.

CASE 5.

OFFENSE: Larceny of Property on Government Reservation. Defendant accepted wages for work on government project when he had not actually put in the required number of hours, but had some other person sign his name to the time-keeper's sheet.

PREVIOUS RECORD: None

GENERAL REPUTATION: Subject has never had any previous difficulty with the authorities in his community. Some of his companions in the neighborhood have had difficulty in the court. His outside interests are in sports, but he has also spent much of his time gambling and hanging around the local pool parlors. Is an honest, frank, polite individual and readily admits that this type of association has not been conducive to his best interests. He is a regular attendant at church but has not taken part in church activities. The school officials consider him a well-mannered, sincere boy, not too bright; retarded in his school work by poor health and preoccupation with family difficulty.

PERSONAL HISTORY: Subject was born on October 5, 1921, in South Boston; the sixth of eight siblings. As a child his health was good. Started school at the age of five in South Boston. School progress was average. Completed the eighth grade and entered the Boston English High School for Boys. During the early years of subject's life, his father was employed as a laborer in the Gas Company. Family life at this time was average economically and culturally. In 1930, the father lost his job and the local Welfare authorities aided the family. Since that date there has been a difficult family situation; the father became a heavy drinker and had several arrests in the local courts. His brother was arrested eighteen times from 1928 up to 1938 for drinking, and one occasion for breaking and entering in the night time. Another brother, thirty arrests from 1931 to 1938 for drunk and another offense for carrying a revolver. In this difficult family situation subject made a sincere attempt to do the right thing, working when he could on the outside while also attending school. It was quite evident from his school work, however, that the home situation was proving too much for him and at the end of his first year in English High School he transferred to South Boston. His grades here on the whole were failing; conduct was usually good; absent on

two occasions during his first quarter there; absence increased during the remainder of the year but school officials, cognizant of the home situation, were inclined to excuse this behavior. Subject admits now that often during these absences he associated with older boys in the community playing cards and hanging around the local poolrooms. Finally he was reprimanded in school and responded fairly well. It was the general opinion in the school that he was lacking in innate ability; was cooperative, but listless and somewhat lazy on occasion. This condition was thought to be due to his poor health and undernourishment. It was in this situation, failing and disinterested in school that he assumed the position of his brother at Camp Devens while the latter was recovering from an injured foot.

FAMILY HISTORY:

Father ---- Martin; born in Ireland; died at the age of 63 of pneumonia.

Mother ---- Bridget; born in Ireland; 58 years of age; living in South Boston.

Brother ---- Patrick; age 31; living in South Boston; unemployed. It was while filling this brother's position that subject became involved in the present complaint.

Brother ---- Coleman; age 30; living in South Boston; unemployed for the past two years.

Brother ---- William; age 28; living in South Boston; married; has no children; employed as a bartender.

Brother ---- Henry; age 27; living in South Boston; unemployed.

Sister ---- Mrs. Robert Canty; age 24; lives in South Boston husband is employed as a porter.

Sister ---- Margaret; age 21; living in South Boston; works in a manufacturing company.

Brother ---- Edward; age 17; living in South Boston; third year in high school.

PHYSICAL CONDITION: Subject is nineteen years of age; five feet seven; weighing one hundred and forty-five pounds. States that he suffered the ordinary children's diseases;

had a tonsil and adenoid operation in 1933. Claims to be in good physical condition and to be an active participant in all sorts of athletic activities. However, it is the opinion of school officials that he is inclined to be lazy and listless, the basis of which they believe lies in poor health. He has a high color at time and they would advise that he be examined at a tubercular clinic.

MENTAL CONDITION: Although no examination has been made of this subject he appears to be of dull normal intelligence. Completed the grammar school grades; had difficulty; in high school he found the College course beyond his capability; later transferring to the Commercial branches he also found difficulty in making proper passing grades. He is a mild, polite, cooperative individual, who does not appear to be too ambitious at the present time.

HOME AND ENVIRONMENTAL CONDITION: Subject born and raised in the urban section of South Boston. During his lifetime the economic situation in his family has usually been strained. The Welfare authorities have aided them from time to time; the father and older brother are alcoholics and showed a very poor example in the home. The mother was born in Ireland and appears to be a good sincere homemaking type of individual but unable to cope with the difficulties that her family find in the community or realize their seriousness. At the present time the family is living in a five room apartment of a middle class three-decker; having seven occupants. Well furnished and cared for.

RELIGIOUS HISTORY: Subject is a member of the Roman Catholic Faith. He attends Mass regularly and his mother claims receives the Sacraments each month. Father Nagel of this church is well acquainted with the family situation and believes that a little spiritual interest on the part of the subject and other members of the family is necessary. To this end Probation Officer agreed to contact the Reverend Father following disposition in this court.

FAMILY SITUATION: Mother and six children living together; income from older brother who is working at the Army Base. Up until a short time ago Patrick was employed at Camp Devens; mother claims that older brothers have been behaving well lately and are interested in finding steady employment. She is quite upset over subject's implication in this offense; has always attempted to prevent a duplication by him of his brother's behavior.

CAUSATIVE FACTORS: Subject is nineteen years of age; of dull normal intelligence; a member of a large family in a strained economic situation; dissatisfied with school; desirous of going to work; influenced by the general philosophy of his friends that he could get away with filling in for his brother, who was unable to work because of a broken foot, he took a chance, as he states and worked on his brother's badge. He believed he was sincere and doing the right thing in attempting to help the family economically, never realizing the consequences.

AUTHOR'S ANALYSIS:

Defendant had no previous contact with the court. In an effort to aid his family financially he left school and went to work. As the study showed subject was probably influenced a good deal by his associates who saw nothing wrong in taking wages which did not belong to them. This feeling that there was no guilt to be attached to such an act had impressed the defendant. Case history revealed fact that subject had been exposed to an unfortunate home situation which involved economic need and the heavy drinking of father and older brothers. While there was failure in school, report indicates that this was probably dependant upon his limited intelligence and health problem. He was known as an honest, frank, cooperative person and had shown no delinquent tendencies. As assets there were the devotion of his mother and the interest of the parish priest. He had not been a problem in the community. The court suspended a sentence of six months and placed defendant on probation for one year.

CASE 6

OFFENSE: Violation of the Liquor Laws. Leased his garage to co-defendants for the purpose of storing tax-unpaid alcohol.

PREVIOUS RECORD: Juvenile record as an habitual truant. Two other offenses for violation of the State automobile regulations.

GENERAL REPUTATION: Subject has lived in Newton for the past twenty years. He is the second oldest member of the family. Other members have been considered a community problem. Subject himself has never been in any serious difficulty. He is dull mentally. Has worked since he was sixteen years of age as a laborer and truck driver. The Police do not consider him a serious problem in the community but realizes that some of his acquaintances have been under suspicion as bootleggers. His early difficulties in school were to a large extent dependent upon his limited mental capacity and inability to get along with boys of his own age on an acceptable social level. He is the type of individual who is apt to be easily led and easily manipulated by less unscrupulous persons. His own particular cultural life has been more or less on a limited level.

PERSONAL HISTORY: Subject was born on February 22, 1909, in West Virginia. During his early youth his father was employed as a miner. The family moved several times, living in Kentucky, Pennsylvania, and West Virginia. Their economic and cultural level was always very low and subject himself worked hard when he was very young. He recalls very little about his early health history, remembers having had the measles, but outside of that he thinks his early health was good. At the age of ten the family moved to West Newton. At this time his father was employed as a gardner and laborer. At the age of eleven this subject had typhoid fever, followed by a long period of convalescence. He claims that this disease has left him sterile. Subject's early education was somewhat neglected because of the constant moving of the family and he found it difficult to make any progress in school. He started school at age of seven, and at the age of sixteen he was still in the eighth grade of the West Newton Schools. Brought before the Court as a habitual truant he received a suspended sentence to a County Training School. An examination made by the Newton School Department

at this time showed that he was of limited mental capacity, was getting little out of the regular school work, and was more interested in outside work. This being the case, they allowed him to continue on in his outside employment, attending continuation school a few days a week. He worked in various factories around Newton and West Newton as a laborer. In 1932 he married Camilla Caruso. For the first year of their married life this subject lived with his father in West Newton. In recent years he has lived in various sections of West Newton, employed by contractors in the district as a laborer and chauffeur. Recently he purchased his own 1933 Chevrolet dump truck which he owns outright. He also owns a 1932 Chevrolet Sedan. During the slack season he has worked on the WPA. At the present time he has just completed five months employment in Bourne, Massachusetts where he worked as a chauffeur for Anthony Zeno.

FAMILY HISTORY:

Father ---- James; 62 years of age; now living in West Newton; came to this country as a young man from Italy. He worked during subject's early life in West Virginia, Kentucky and Pennsylvania as a coal miner.

Mother ---- Phyllis; 58 years of age; born in Italy; came to this country as a young girl; now living in West Newton.

Brother ---- Wesley; 33 years of age; living in West Newton; he is employed as a truck driver.

Sister ---- Phyllis; 28 years of age; lives in Watertown. Husband - Edward - is employed in the First Store in Dedham.

Sister ---- Mary; 25 years of age; living in West Newton; she is separated from her husband, Ralph, who is now employed as a farmer in Weston, Massachusetts. This girl bore a very poor reputation in West Newton being promiscuous and immoral.

Brother ---- James, Jr., 21 years of age; a co-defendant in this case; now in the Army.

Sister ---- Frances, 19 years of age; living in West Newton.

Wife ---- Camilla; living in West Newton; married to subject

in 1932. Her father was a well known bootlegger during prohibition.

FAMILY RELATIONSHIPS: Subject and his wife live together in a four-room apartment. Their married life has been blighted somewhat, according to subject's statement, as they have never had any children.

PHYSICAL CONDITION: Subject is thirty-one years of age. Five feet, five and a half inches in height. Weighs one hundred and seventy-six pounds. Is slightly over weight. He claims that his early health was good. Had typhoid fever when eleven years of age, followed by a long period of convalescence and he believes this made him sterile. He admits having gonorrhea when he was seventeen years of age.

MENTAL CONDITION: Although no examination has been made of this subject, he appears to be of dull mentality. He made unsatisfactory adjustment in school and left at the age of sixteen in the eighth grade. He was slow thinking and his powers of comprehension were not great.

HOME AND ENVIRONMENTAL CONDITIONS: During his early life the subject moved a great deal, living in several states where his father was employed as a miner. For the past twenty years, they have lived in various sections of West Newton. The family income for the most part has been very low, and they have been aided for the past ten years by the local welfare board. At the present time subject is living in a four-room house in the low rent district of Newton.

RELIGIOUS HISTORY: Subject is a member of the Catholic Faith, but is not regular in his attendance and is not too impressed with religious values.

FAMILY SITUATION: Subject and his wife are living together in a four-room apartment in West Newton. She is depending upon subject for support. Although family situation has been happy for the most part, subject admits that their failure to have children has proven a big disappointment and loss to them.

CAUSATIVE FACTORS: Subject is thirty-one years of age, and is somewhat retarded mentally. He has a reputation as a hard worker, but one who might be easily led. When shown the economic returns possible in illegal liquor operation and the ease with which this money was earned, he became a part of this group. Many of his friends and associates have back-

grounds of illegal liquor activities but as far as can be determined subject was never before suspected of any involvement.

AUTHOR'S ANALYSIS:

Defendant's previous record almost negligible. As report indicated there was a good deal of family mobility during early life and economic status of family was usually low. In reference to his participation in this offense his early failure in school is important. This was due, as school diagnosis stated, to his limited mental capacity. Nevertheless he had since leaving school been able to work steadily and make adequate provision for his family. Although members of his family had been in difficulty with the local police there was never anything in his actions that caused the latter any concern. As the report states he was the type that was apt to be easily led and in the commission of this offense he was influenced by a professional group of illegal liquor operators. It was not the desire for economic gain alone that could be considered. It was necessary to appreciate his intelligence and ability to withstand temptation. There was nothing in his history that could be definitely anti-social or particularly dangerous to the community. The court sentenced subject to three months in a jail type of institution, suspended sentence placed him on probation for one year.

CASE 7

OFFENSE: Altering a United States Government check. Defendant altered a United States Treasury check payable to himself payable in the amount \$1.76 to read \$10.76. Attempted to cash check. Finding this impossible, returned it to the Treasurer saying a nine-year old boy had altered it. Later admitted this was a fabrication.

PREVIOUS RECORD: One offense: sounding a false fire alarm.

GENERAL REPUTATION: Subject is not very well known in the district. He has lived a rather cloistered life due to the fact that he is an illegitimate child. He has never worked in private industry but had various jobs on the WPA and NYA. At the present time he is being aided by the Board of Public Welfare in South Boston. Does not appear to be too intelligent and seems shy and reticent when being questioned. He apparently has not made any normal social relationships. Seems to have lived a life of isolation, due no doubt to his background. He has lacked the normal needs of a child, namely affection and security. His mother has been indifferent to him and has only visited him at intervals during his life. He claims that he does not go out with girls or hang around the corner, but is content to stay at home and occasionally go to the movies. For a young man of twenty-three he has not lived what anybody would call a normal life. He seems to have been denied pleasures and opportunities that are offered to young growing boys and as an adolescent he remained by himself. At the present time he seems to have no realization of what life should mean to him. He should not be called criminalistic nor should he be blamed too severely for his present situation.

PERSONAL HISTORY: Subject was born on July 14, 1917, in the West End of Boston. As a child he was sickly and was crippled in both legs. Unable to walk until he was four years old. Entered school at the age of seven. His progress was not normal and he seemed to be lacking in innate intelligence. At the age of sixteen he left school while in the seventh grade. After leaving school he was unable to obtain any kind of work and seems to have been pampered by his Aunt and Uncle with whom he lived. They allowed him to withdraw himself from reality and never pushed him to go to work. His mother has been a housekeeper for the past ten

years at an address in Dorchester. She has lost close check and close touch with her son and has not fostered upon him the ordinary affection that a mother gives to her child. Due to the fact that he is illegitimate augmented by the fact that he is aware of an illegitimate sister, with whom he has never been in contact, has tended to inhibit him to a great extent. This sister is happily married now and is unaware that she has an illegitimate brother. There has been no ordinary familial relationship but there has been a constant emotional conflict in the boy's mind and in the mind of his mother. His natural life has been frustrated to a great extent by his personal and family history.

FAMILY HISTORY:

Father ---- Unknown.

Mother ---- Helen; 45 years of age; living in Dorchester; a housekeeper.

Sister ---- Alice; does not know her marriage name; address unknown.

Aunt ----- Katherine Brown; 58 years of age; subject is living with her in South Boston.

PHYSICAL CONDITION: Subject is a young man five feet one and one quarter inches in height and weighs one hundred and thirty-three pounds. He looks emaciated and undernourished. He claims to have had a rupture in 1929 and since that time has been unable to do any heavy work. As a child he was sickly and at the present time he does not look capable of doing any physical or laborious work. The redeeming feature of his whole appearance seems to be the good condition that his teeth are in. His head seems to be slightly out of proportion with the rest of his body.

MENTAL CONDITION: Although there is no record of any mental examination having been made the subject does not seem to be of very high intelligence. His educational history does not show that he is mentally alert or able to grasp at things very easily.

HOME AND ENVIRONMENTAL CONDITION: Subject was born in the West End of Boston and then brought to South Boston at the age of two weeks. Since then he has lived in South Boston. The environmental conditions around his home have not been

very good. He has always lived in a closely populated tenement area. The home at the present time consists of four rooms, two bedrooms, a kitchen and a dining room. The house seems to be well kept and neat and clean.

RELIGIOUS HISTORY: He is a Roman Catholic who has not yet been confirmed. His religious ties are not very strong. Upon being questioned as to whether or not he attended church regularly, he claimed that he did not. He does not desire to attend church, nor is he able to have the appreciation of any spiritual values.

FAMILY SITUATION: This young man has been deprived of the ordinary family life. He has lived with his Aunt and Uncle, who apparently being childless themselves, have attempted to give him a home. He is totally unfamiliar with the relationship that exists in a family. Family ties, loyalties, etc., have never been presented to him. He has existed more or less without a purpose or without any encouragement or aggression to go forward. He has not had parental guidance or affection fostered upon him by a father or a mother. The affection given to him by his Aunt and Uncle have apparently been of a routine nature, a duty which they felt they must perform.

CAUSATIVE FACTORS: Starting out in life being illegitimate and sickly, turned down by his mother, has led the boy to believe that everything in life is of no value. He has never lived in decent surrounding. Lack of native intelligence plus a physical structure that was not too strong has been enmeshed in an emotional conflict. He has no real sense of values or no philosophy on life. He has been unable to cope with reality and for this reason the causative factors might be considered as being both physical and emotional with him. He claims that he cashed the check because he thought the WPA owed him more money than was so stated on the check. Ignorance of the consequences is easily seen by his mailing the check to the Treasurers Office of the WPA and thinking they would send him the money. He claims that he had no real appreciation of the consequences of such an act. In view of the circumstances in this case - a consideration of the background, the family life, the emotional, and the intelligence plus the physical condition of this boy would tend to show that it has been no wayward life that led him to this act. Not really wishing to do anybody any harm but hoping to get the money that was coming to him, as he thought. He is in dire need of guidance and instruction.

AUTHOR'S ANALYSIS:

This report was thorough and comprehensive. It gave good insight into the defendant's personality, his habits, ideals and motives. It showed he was an unsophisticated, intellectually inferior person. An illegitimate child, nurtured in an unnatural home environment with little provision for normal expression. His physical, mental and emotional condition was interpreted. The offense became much more intelligible when all these factors in his development were disclosed. The effect that physical and mental limitations had in work adjustment is defined. Also discussed are his attitudes toward religion and sex. Throughout this study we see a recognition of many symptoms in the individual personality and his social situation which when interpreted scientifically gave the court a valuable picture of the offender and the offense. It goes beyond diagnosis and offers prognosis for the future. With this information court had full appreciation of the individual personality and his motives, which although they appeared to be economic, were based in a much more deep-seated problem. It indicated ignorance and an infantile attempt to secure funds, an individual with a complicated problem needing the help of a psychiatrist and social worker. As a result the court placed defendant upon probation for a period of one year.

CASE 8

OFFENSE: Theft of Government Property. Defendant stole four Garand Rifles while employed at a United States Armory.

PREVIOUS RECORD: None.

GENERAL REPUTATION: Is excellent. While he has only been in this vicinity for seven or eight months his reputation here okay. Liked by his neighbors and friends and by the storekeepers in the vicinity. They were amazed and shocked when they heard about him been arrested in this instance. Is a quiet, unobtrusive man at work; had little to say to anyone that worked with him, but did his work well up to the time that the goods were stolen, brought out of the Armory and given to him. The actual taking of the goods out of the Armory was not done by him, but by one of his co-workers, who is the co-defendant in this case. In his old home town in West Virginia, investigation was made and the Probation Officer reports down there that he had a splendid reputation. He went into the situation very thoroughly with school authorities, several businessmen and they all claim that he seemed to be always an average, normal boy, with a mechanical turn of mind, his chief interest being hunting and remodeling and repairing firearms, such as rifles, shot guns, etc. His associates have always been boys of good reputation. He has never engaged in the excessive use of intoxicating beverages, gambling, and appears to be normal sexually. After graduating from the Thomas High School and until the time he accepted employment in Massachusetts, he worked in the jewelry store with his father, running a gun business of his own, buying, remodeling, repairing and selling guns. It is felt that his particular motive in taking the gun parts is in keeping with his hobby of remodeling and repairing guns for sale, rather than the expectation of getting any great amount of money for them.

PERSONAL HISTORY: Subject was born on January 26, 1916, in West Virginia. Spent practically all of his life in that state. Started to school at the age of six and continued along until he graduated from high school. After his graduation he went into the business of buying, selling and remodeling guns in a jewelry store kept by his father. He came to Massachusetts about August of 1940, securing a position in the Armory as a gunsmith. Returned to West Virginia during

the Christmas vacation, at which time he was married to Mary R. Cole of West Virginia, the marriage taking place in December, 1940. He had never worked, up to the time he came to Massachusetts except for himself and has now been employed in the Armory for about seven months as a gunsmith. When he was married in West Virginia his wife returned to Massachusetts with him.

FAMILY HISTORY:

Father ---- Arthur; 49 years of age; lives in West Virginia; has been in the jewelry business for the past twenty years and at the present time is entering upon his third four-year term as Justice of the Peace. He states that subject has never been a problem at home; has always been obedient, courteous and considerate, and to his knowledge has never had any bad habits. The father is one of the most respected citizens of the town of Thomas, West Virginia, in which he lives.

Mother ---- Susie E.; 48 years of age; at home with the father

Sister ---- Kathleen; 17 years of age. She graduated from the High School in 1940, where she was a very good student and very popular. She is now attending College in West Virginia, majoring in music.

Wife ----- Mary R. Cole; formerly lived in West Virginia, where she was married to the subject on December 29, 1940. She was a high school graduate but never worked from the time she graduated.

FAMILY RELATIONSHIPS: Insofar as can be seen are excellent. My report from Virginia shows them to be a happy, well united family and this I can see is true as far as Molloy and his wife are concerned. They are a very devoted couple, only being married three months, and they seem very happy in each other's company. There is no apparent discord of any kind in the home that I can observe.

PHYSICAL CONDITION: Subject is six feet one and a half inches in height, weighing one hundred and ninety-five pounds. Appears to be in excellent physical condition. This he admits himself and states he has never had any serious illness in all of his life.

MENTAL CONDITION: Apparently good. The Superintendent of school states that subject was most interested in economics and manual training and he states that subject has a good mechanical mind. In his grades for four years in the High School he did not have a mark of less than seventy and many of his marks ran between eighty and ninety. The Principal of the school speaks of him as rather a brilliant youngster.

HOME AND ENVIRONMENTAL CONDITIONS: Home consists of a second floor apartment in a remodeled old wooden house which has three rooms and a bath. Well furnished and neatly kept. Indicates that his wife is undoubtedly a good housekeeper. The inside has a very splendid, homey appearance; was clean and neat.

RELIGIOUS HISTORY: States that he belongs to and attended regularly his church in Thomas, West Virginia. He went to church regularly not particularly because he liked to but because his mother made him but since coming to Massachusetts has been very derelict in his duties and has not attended school or church much.

CAUSATIVE FACTORS: Are most difficult to determine. This does not look to me to be a larceny for profit but rather a theft committed so that he might experiment with the rifle barrels which he stole and see what he could do with them. He has a great collection of guns and probably had in his mind that with these rifle barrels and trigger assemblies he could probably make up some kind of a rifle different from what he already has.

AUTHOR'S ANALYSIS:

The offense defendant committed was of an especially serious nature, involving as it did the theft of valuable government property at a time when all prosecuting officials were demanding severe sentences for such crimes. The information secured by the court as the result of the investigation therefore assumed more importance than in any of the previous cases discussed. A careful inquiry showed subject

was the son of a highly respected family, members of which held responsible positions. He had always borne a good reputation, possessed a good school record. It explained and offered proof of his mechanical ability and particular interest in guns over a period of years, not for any criminal or anti-social purpose but rather because of a sincere interest in working on them. This interest resulted in his collecting them as a hobby. Defendant was intelligent, stable and highly regarded by all those who knew him. Offense committed not for profit or an attempt at sabotage. This interpretation of subject's motives changed the whole complexion of the crime and resulted in the court placing the defendant on probation.

CASE 9

OFFENSE: Embezzlement of Postal Funds. Defendant while officially employed as a post-office clerk stole several letters containing money. The total amount involved being \$60.00.

PREVIOUS RECORD: One arrest eighteen years before for drunkenness.

GENERAL REPUTATION: Subject has been employed steadily in the Boston Post Office Service since 1924. He is an individual of good family background; his friends and associates up until ten years ago were well respected citizens in their community. Subject is well known in Brookline where he was born, and has lived most of his life. He was active in all sorts of athletics and coached various local teams as well as serving as an instructor in the town swimming pool. His friends in the community knew him as a genial, good natured individual, adept as an entertainer. His adjustment at home was not as satisfactory. He quarreled with other members of the family, was easily aroused and showed fits of temper. Since his discharge from the Navy in 1918 he has done a good deal of drinking. Local authorities, knowing him, were accustomed, when finding him in a drunken condition, to sending him home without pressing any charges. During recent years he has grown more and more away from his family and old associates, as alcohol has taken more of a grip on him. Despite a yearly income of twenty-one hundred dollars he has lived in the cheapest rooming houses in the South End and has associated with people far below him economically, morally and culturally. Finally he has reached the stage where he has neglected his personal physical health and well being, has ignored his religious duties and degenerated to the level of the lowest alcoholic. He no doubt has suffered physically, mentally and emotionally to such a degree that he was no longer capable of fulfilling his position in the Post Office in an honest and trustworthy manner, not even able to take care of his everyday living. He is now known as an irresponsible, confirmed alcoholic.

PERSONAL HISTORY: Subject was born on February 18, 1896 in Brookline, Massachusetts. The second youngest of five children. The family lived on a sound economic level, bore a good reputation in the community and were very well thought

of by those who knew them. The subject suffered the ordinary children's diseases but outside of this development was normal. He started school at the age of five and his progress was normal. He completed the grammar school grades and then attended High School, graduating in 1915 at the age of nineteen. He was active in all school sports, enjoyed all normal activities and was popular with his schoolmates. There was no evidence of any delinquency. After graduation he worked doing various odd jobs in the neighborhood until 1916, late in that year when he enlisted in the United States Navy. He served on a transport ship until 1918, when he received an honorable discharge. A short time later he secured employment at a Gymnasium in Lowell, Massachusetts as a swimming instructor. He remained there until 1921 when he returned to Brookline. It was at this time that his family first noticed his drinking but it did not seem to be a serious problem. On December 23, 1922, however, he was arrested in Brookline for drunkenness. Several times following this he was warned by the Brookline Police about his drinking, but knowing him so well, his family, and his general reputation they were inclined to help him home rather than to arrest him when they found him under the influence of alcohol. In 1924 he received an appointment to the Boston Post Office, where he has been steadily employed up to the time of the present offense. He kept company with various girls during his early years on this job and was known to have gone with one quite steadily. She married about 1929 or 1930 and several people thought that subject's drinking increased much more at this time. I have been unable to confirm this fact. Up until 1930 he lived with his parents in Brookline, but there was constant bickering and difficulty, especially with his aged father. The family criticized him for his bad habits and failure to contribute regularly to the household support. He finally left and secured a room in the South End of Boston with an Armenian family. Contact with family became less and less and although they felt sorry about his predicament they were convinced that there was something definitely the matter with him mentally that was leading him to a life of drunkenness and general physical abuse. On August 8, 1933, a story appeared in the Boston newspapers stating that defendant of 143 Tyler Street in Boston had jumped or fallen out of a third story window while in a drunken condition. There was a difference of opinion as to whether it was a deliberate attempt at suicide or an accident resulting from drunkenness. He was treated in the City Hospital for a fractured skull and other internal injuries. Although his official work at the Post Office was average it was quite well known among

his associates that he was drinking heavily. On one occasion in 1935 he threatened to kill a fellow employee with a service revolver but the former realizing the subject's drunken condition refused to allow him to go to work. He was borrowing money continually both from his fellow employees and various public loan agencies. He asked for leave several times and it was the general opinion that his inability to work was due to his heavy drinking. During the last few years he has become gradually worse. Despite his income, his clothes were poor and he neglected his personal health and seemed unable to function at all in his work. He demonstrated lapses of memory on several occasions. On November 20, 1935 he was suspended for five days for being in an intoxicated condition, absent from his post of duty, was abusive and insolent.

FAMILY HISTORY:

- Father ---- John W.; born in Fall River; died at the age of 81 in 1930 in Brookline, Massachusetts; cause - old age; he had worked for several years as a coachman; he was well known in the community and bore an excellent reputation. Even up to the date of his death he was considered to be a smart, agile, friendly, and up to date old gentleman. There was some difficulty with the subject over a period of years because of father's objection to his continued abuse of alcohol.
- Mother ---- Mary J.; born in Fall River, Massachusetts; died at the age of 74 in 1925 in Brookline; cause - unknown; she and subject had congenial relationships.
- Brother --- John L.; 54 years of age; born in Brookline; now a reporter for a Boston newspaper. Subject has not seen him for five years.
- Brother --- Thomas J.; 48 years of age; born in Brookline; now employed as a Race Horse trainer; subject has not seen him for three years.
- Brother --- James F.; 46 years of age; now living in Brookline; employed by the WPA. Subject has not seen him for two years.
- Sister ---- Mrs. Joseph Nagel; 50 years of age; born in

Brookline; living in Brookline; employed as a clerk.

Sister ---- Helen L.; 47 years of age; living in Brookline; at home.

This family bears an excellent reputation and no other member has been in conflict with the law. Subject was considered to have been more or less as the "black sheep" quoting his maiden sister - they always felt there was a mental disturbance brought on by the war that caused his irresponsible reaction to his family and his work. Things finally reached the stage a few years ago when members of the family refused to have anything else to do with him and ordered subject to make provisions for himself.

PHYSICAL CONDITION: Subject is a man forty-four years of age; is five feet, six inches in height and weighs one hundred and forty-six pounds. He states that his health is fair. Has been suffering for the last few years from stomach trouble. In 1933 he was treated at the Boston City Hospital for a fractured skull and internal injuries. When I talked with this subject it was quite evident from his physical appearance that he had been drinking heavily over a period of time.

MENTAL CONDITION: Subject appeared to be of average intelligence. From statements made by members of his family and work associates, it appears that they all thought there was something odd or queer about him. His reactions were not normal. In work he showed lapse of memory, lack of stickto-itiveness, vacillating moods; at times he was congenial, humorous, and the life of the party. At other times he was easily upset and disturbed which resulted in marked displays of temper. Members of the family called him a "sore head" and stated he became upset without any substantial reason. He has become engulfed in debt and seems to resort to alcohol as a constant soother of his inability to make an adequate adjustment. He has shown a desire and readiness to pay back his debts but seems totally unable to combat the situation in which he finds himself. He is somewhat bewildered and at the present time cannot explain his situation. His early attitudes were certainly normal and his likes and dislikes on an average level. Degeneration mentally and physically seems directly tied up to some degree with his constant use of alcohol.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born and brought up in the urban section of Brookline. He was the second youngest of five children in a contact, congenial home group with strong family ties and adequate provision for all economic needs. He had several friends in the community, was active in athletics and was well liked by his associates. The home ties weakened early and I would say that for the past fifteen years he has been more or less a lone wolf type living by himself in cheap rooming houses and associating with people far beneath his own cultural background.

RELIGIOUS HISTORY: Subject a member of the Roman Catholic Faith and claims regular attendance at church services but from other sources I am inclined to believe that he has been quite irregular in his religious observances.

FAMILY SITUATION: Subject has been divorced from all family ties for the past ten years. He has lived by himself in cheap rooming houses, despite the need if not the legal obligation, he has failed to contribute or help other members of the family financially. They, at the present time, are interested in the situation but are more or less resigned to the fact that it was coming for a long time. They are in no position to help him economically or provide for him.

CAUSATIVE FACTORS: Subject states that he was in debt; had been drinking heavily, and saw the opportunity of taking money from the mails and believes that over a period of the ten months he may have stolen about sixty dollars. It is hard to explain, in a way, the economic stress in this individual's case, especially since he was receiving twenty-one hundred dollars a year salary while living in a cheap rooming house, paying only five dollars a week room rent. He did owe a good deal of money both to his fellow employees and at least one public loan company. It would appear that his constant use of alcohol has broken him physically and upset him mentally so that there was a gradual weakening of all his moral senses and he fell easy prey to temptation in this case.

PSYCHIATRIC EXAMINATION OF DEFENDANT:

After he had become thoroughly acquainted with my purpose in examining him, he answered all of my questions to

the best of his ability and was not evasive at any time. He related the historical data concerning his life essentially as it was recorded in the history which I received.

The formal mental examination of this man was essentially negative. His attitude and general behavior during the examination were within normal limits. His emotional tone was normal both to general facts and to test problems. He was not able to describe the presence of any delusions, hallucinations, illusions, obsessions, phobias or compulsions. He was oriented for time, place and person. His memory for both recent and remote past were good. His insight for his past emotional and environmental problems was good. His judgement was good for test situations. His fund of general information, reading, writing and general school knowledge such as simple history, geography and calculations were within keeping for one of his intelligence.

A Stanford-Binet, Form L, intelligence test gave him a mental age of 15 years and three months and an Intelligence Quotient of 102. He has, therefore, a normal intelligence.

His fundamental problem is apparently a personality one. He states that he got along as well as the other fellows he associated with in his youth and did not get into any trouble whatsoever during this time. It was while he was in the navy

that he learned to drink and drank considerable to keep up with the fellows and to be one of them. After he left the navy he continued his drinking, but in moderation and as the occasion for it arose. He did not care particularly for alcohol, but he did find that it gave him a more care-free state of mind. He met a girl during this period and fell in love with her. He wanted to marry her. He thought that she loved him. And then without any warning to him, she married another man. This, he feels, was really the start of all his real drinking. He drank to dull the pain of this broken love. He drank at times quite hard because, although she was married and has continued to remain so, he loves her and the only way that he can get her out of his mind is to drink. At other times he wants to feel that he has her close to him, and he will drink himself into a state wherein it is impossible for him to believe that she still loves him and wants to be with him. He cannot get himself interested in any other girl for more than a few moments. He has only himself and his memories. His only solution has been escape through the use of alcohol. In order to obtain this escape, he had to spend more and more money for alcohol. Finally his salary was not large enough, so he obtained money by the easiest route that he knew -- by removing it from the mails. He realized that this was

wrong, and that sooner or later he would probably get caught, but the reasons for the need of alcohol were more important than any fear of punishment.

This individual has a very inadequate personality and is reacting to his normal environment in a very unsatisfactory manner. It is my opinion that he is not psychotic.

AUTHOR'S ANALYSIS:

As in the previous case we find an offense quite different from any that have preceded. While the larceny appeared at first inspection to be based on economic need, the study revealed that this was only a small part of the total picture. Defendant had a good early home life, average education and occupational security. A pleasant, genial, good natured individual the circumstances that surrounded his commission of the offense were complicated and involved. His drunkenness was pointed out as being symptomatic of a more deep-seated problem, an emotional condition the basis of which may have been an early love affair. This was substantiated by the findings of the psychiatrist. His early drinking and gradual degeneration are explained and examples given. Also the implications involved in his attempted suicide are interpreted, particularly the influence that fractured skull may have had on his subsequent behavior. It gives examples of the changes in his tastes, likes, dislikes,

ideals and habits over a period of years. Alcohol offered him escape, its constant use necessitated funds which brought him to the point where he stole money from the mails. His conduct became more understandable in light of these facts. As his needs seemed to be psychiatric and medical the court imposed a sentence of one year and one day in a penitentiary type of institution, suspended sentence and placed him on probation for one year.

CASE 10

OFFENSE: Possession of an Unregistered Still and Tax-Unpaid alcohol; Defendant found operating a small still in his home and manufacturing a small amount of alcohol.

PREVIOUS RECORD: One offense eight years before for keeping and exposing liquor. Was placed on probation.

GENERAL REPUTATION: Subject came to this country when he was thirty-two years of age. For several years he was employed as a shoe worker in many of our New England shoe cities. For the past seven years, however he has been dependent, for the greater part of the time, on public relief. According to the Boston Department of Public Welfare, he is cooperative and has tried to make the best of his present economic situation. He is the typical, unassimilated foreigner. Has lived most of the time in the foreign section of urban cities. Although he claims a serious physical disability - sacroiliac strain of the back, an examination shows that this complaint has no basis. He has been treated at the Boston Dispensary and the Boston City Hospital. In 1937 a diagnosis of neurosis was made. In January of 1938 he attended the skin clinic and a diagnosis of tertiary asymptomatic syphilis was made. He has been under treatment for this condition. He does not appear to be a vicious individual but one who is confused, emotionally disturbed and unable to find an adequate security.

PERSONAL HISTORY: Subject was born on August 14, 1881 in Armenia. He has no recollection concerning his early medical history but it appears that he was exposed to several severe emotional shocks. He lived in Armenia during that period of the Turkish Massacres and saw his mother, his brother and his first wife massacred. He claims to have had six months of education in Armenia. In 1903 he married Almast Abraham and there were two children born of this union, Mary - born in 1911 and Rosie - born in 1912. Claims that they too died as a result of the Turkish violence. In 1913 subject came to the United States, landing in New York City. He remained there for a short time and then came to Lawrence in 1914, where he was employed in the Lawrence Shoe Mills as a cutter. He claims to have attended night school in Lawrence for a short period of time but he found this difficult and decided to educate himself at home by reading. Dur-

ing the following years he worked in Chelsea, Lawrence and Lynn, receiving the average shoe worker's wage and living on a low economical level. In 1930 he returned to Armenia and later on while traveling through France he met his present wife, Lucy. They were married in Paris on April 30, 1930. That same year he returned to the United States and the family settled in Boston. He worked for a short time for the Wall Shoe Company in the City of Chelsea but the next few years of his life were very difficult. He was often unemployed and was forced to accept public relief. In June of 1932 he was before the Boston Municipal Court on a charge of Keeping and Exposing Liquor. At this time four gallons of mixed alcohol were seized at his residence on Washington Street. He admitted that he had been selling alcohol for two months and was receiving six dollars a gallon for it. On this complaint he was given a suspended sentence of one month in the House of Correction with six months probation. While on probation the officials found it difficult to locate him because of several changes of residence. On December 28, 1932, he was discharged from probation and since that date he has been almost continually on welfare. Public officials have been very interested in his situation, have provided all sorts of medical attention and help and the results have not been too satisfying. There is definitely an emotional condition present and subject is somewhat disappointed and disillusioned. His wife is a pleasant, congenial person of the same nationality. She speaks no English whatsoever.

PHYSICAL CONDITION: Subject is fifty-nine years of age. Five feet, five inches in height and weighs one hundred and seventy-five pounds. According to subject's own statement he is a chronic sufferer. He complains of back strain, lumbago, and rheumatism. Has been attending Boston City Hospital and Boston Dispensary Clinics over the past five or six years. Claims that he is unable to work as he is bedridden most of the time. However physical examination reveals that these complaints are not justified in medical findings. He is not suffering from actual physical difficulty to the degree that he thinks. In May, 1937 at the Boston Dispensary a diagnosis of tertiary asymptomatic syphilis was made and he has been receiving treatment since that date. Has been seen at the nerve, medical, and neurosyphilis clinics and he was advised to have a lumbar puncture but he has consistently refused to do this.

MENTAL CONDITION: Although no mental examination has been

made in this case, there is very definitely a psychological condition present and a definite diagnosis of neurosis has been made. There does not seem to be any deficiency of intelligence and despite lack of education subject's general information seems good considering his foreign background. There have been several emotional shocks during this subject's development. He also suffers from diagnosed syphilis. There have been conflicts of cultural patterns in this country and it is evident that all these things have led to a confused personality.

HOME AND ENVIRONMENTAL CONDITIONS: Subject was born in Armenia where his parents lived on a low economic level. Saw hardship, suffering, and violence all around him as a youth. Came to this country at the age of thirty-one to earn his living. Has not assimilated American Customs and ways of thinking and has been at a very definite disadvantage in making a good adjustment.

RELIGIOUS HISTORY: Subject is a member of the Armenian Apostolic Church and he claims to be regular in his attendance.

FAMILY SITUATION: Subject is living with his second wife, who speaks no English, and two children, aged nine and seven, in that particular slum area of Boston populated by Armenians and Syrians. He is too ill, both mentally and physically to work and is receiving public relief. There is little conflict in this home. Children are bright and speak English well. There is some dissatisfaction as the result of an economic situation. Mother seems to be sincere and affectionate but is greatly handicapped.

CAUSATIVE FACTORS: Concerning the present offense, subject claims that he was using alcohol for his own purposes and this was necessary because of his physical condition. Upon questioning however, he states that everybody else in the neighborhood was doing the same thing and that it was his impression that after the repeal of the prohibition act there would be no persecution for offenses of this type. It is rumored that several of his neighbors are involved in operations of this type. Subject is dissatisfied and is under the impression that he has not been treated fairly. This impression and attitude seem to be rooted deeply in his present mental condition. He most certainly is not a vicious individual and seems to have been deeply affected by the present complaint.

AUTHOR'S ANALYSIS:

Defendant had one previous arrest for a liquor violation in the state court. As the investigation states he could not be considered a vicious individual or typical of the average liquor violator. There was evidence of his ignorance of the law and also the effect that the activities of his neighbors in committing similar violations might have had in his conception of the offense.

The study did indicate many other factors in his background: His early experience in native land which did upset him emotionally. His efforts to earn an honest living in a new country but the difficulties that he faced. Most important was the interpretation of his physical and mental condition confirmed by hospital reports. There was economic need in the home and the apparent inability of defendant to do anything about it aggravated his mental condition. As far as his attitude toward the offense is concerned it was pointed out to the court that here was an unassimilated foreigner whose customs and habits were in constant conflict with his present social situations. His reaction to this conflict had to be considered on this basis. Defendant presented a picture of ignorance, confusion and despair. Offense could only be properly understood in terms of a cultural conflict. The court placed subject on probation

for a period of three years.

SUMMARY OF CHAPTER IV.

The court in granting probation to the ten offenders studied in this chapter sought to accomplish their rehabilitation in the community under the supervision of a probation officer.

Such a plan necessitates that each individual have certain assets upon which social treatment can be based.

While the individuals' appearance before the court indicated maladjustment of the person in his social situation in no instance was their evidence of deep-seated anti-social habits or attitudes dangerous to the community.

Nine of the offenders showed good work records. Six had made a satisfactory family adjustment under difficult circumstances. Five cases revealed the presence of active interest in religious observances.

The needs of each offender were varied, but in every case there was reason for the court to believe that it would be for the benefit of the individual and the community to provide for them on a probation basis.

Chapter V

Before stating the conclusions and recommendations that the writer has reached he feels that he should disclose the results of the questionnaire submitted to the judges. Each of the four judges agreed that the pre-sentence investigation was a necessary aid in determining disposition. They stated further that only when the court was supplied with a social study of each offender could there be equality of justice. While the judges were inclined to place varying amounts of emphasis on the different social factors in the study, such as family situations, mental and physical condition, education, occupational stability, associations, habits, and ideals, they all agreed that they were influenced in the leniency or severity of their sentences by the presence or absence of certain social factors in the situation of each individual.

The cases studied indicate that the practices of the judges in sentencing have been consistent with this philosophy. Although we found similar offenses in many of the cases there was a wide difference in the type of sentence imposed, varying from probation in one case of forgery to a penitentiary term of one year and one day in

another. There was sufficient difference in the social situation of the two individuals involved in these two cases to warrant such a disparity in sentence. Concerning Mann Act Violations included in the study, sentences varied from straight probation in two instances to a penitentiary term of four and one half years in another. In the former case the individual was revealed as a first offender with no particularly undesirable social traits, while in the latter social study disclosed a promiscuous offender with a definitely unwholesome attitude toward sex.

Such a disparity in sentences is evidence of the practice of the court to go behind the offense committed and give consideration to the individual differences of the offender. Each disposition made discloses this individualized scientific approach.

Each of the twenty cases presented gave a comprehensive picture of the defendant's character and personality and offered the court insight into the probable causal factors underlying his anti-social conduct, while showing the complex nature of criminal behavior. The analyses of the cases cited in chapter three show that neither the offenses nor the previous records were the criteria upon which the judges depended for disposition of the case.

We find in case five the absence of a serious criminal record yet the imposition of a particularly severe

sentence with the disclosure by the social study of a deep-seated and repulsive sex situation.

In case two we find a minor record and offense, yet the imposition of a heavy sentence because of the offender's anti-social attitude and activities as a leader of a group of criminals. Cases one and nine demonstrated the presence of chronic alcoholism with little hope for a community adjustment. Cultural backgrounds were found in cases three and seven as causes for the development of a general disregard for law. In cases four, six and ten personality defect dependent upon mental and medical factors had resulted in persistent and continued criminal acts. Behavior was shown to have become habitual and dangerous to the community safety. Another individual did not have a criminal record. Despite the help of interested agencies over a period of years his behavior and attitude had gradually become distinct liabilities to his family and community and merited a long sentence.

In chapter four each of the dispositions placing the individual offender on probation was dependent upon factors revealed by the social study which indicated the possibility of a successful adjustment of the individual in the community.

In cases two and seven the pre-sentence investigation disclosed a picture of limited mental capacity and the

commission of a minor offense with no particular monetary gain to the individual.

The influences of associates is found in cases two, three and six. The social study definitely showed that these individuals were not vicious or anti-social but because of innate weakness were influenced on this one occasion by professional offenders to participate in a crime.

A very thorough and comprehensive explanation of the behavior of two sex-offenders in cases one and three indicated temporary instability but definite evidence in their social situation of a satisfactory adjustment in the future.

Probably the most important and significant contributions that the social study made was in case eight. Here the offense was of such a nature that in and of itself it indicated a serious offender. The investigation proved otherwise, that the offense was an outgrowth of the subject's hobby and not committed in a vicious or professional way. Motivation was interpreted. In case ten the offense was shown to be the result of ignorance of the law and dependent upon definite limitations within the individual personality to comprehend or understand his violations.

Finally we find in case five a boy possessing many admirable qualities influenced in the commission of the

offense by economic need in the family.

On the comparative basis between chapter three and four the cases all reveal that the various social factors contained therein gave understanding of the offense and of the offender as an individual personality and made a definite contribution to the type of disposition given by the court. While the study shows that the pre-sentence investigation has made a definite contribution in the disposition of criminal cases, the writer feels that the following recommendations will still further increase its value to the court:

- 1 - Many of the cases indicated the presence of mental and emotional instability. However in only one instance was a psychiatrist's report made available to the court. It is evident from the information contained in the reports in these particular cases that the probation officer was not fully able to interpret to the court the mental condition of the defendant. Writer feels that the extended use of professional psychiatric service is necessary if the court is to be properly informed as to the individual's needs.

- 2 - The studies contained most of the signif-

-icant social factors in the individual's situation yet these were not always plainly defined.

The inclusion of a form that would indicate individual assets and liabilities as related to a plan of treatment would prove beneficial.

3 - There is still need for more interpretation of the causal factors. Cases show wide variation in the ability of the individual officers to do this and a difference in conception as to just what they should include. Writer feels that a statement by the offender concerning the offense should be included verbatim in this section of the report and that where the investigating officer has the necessary skills a careful analysis of this statement plus a summary of the entire case should be offered to the court.

4 - Designation of the sources from which the information was derived would make for a more objective investigation and increase the value of diagnosis. While the reports as they now stand do reveal a wealth of

information it becomes difficult to attach the proper amount of emphasis to different facts when the authority is not given. Of particular importance is the experience of other social agencies with the client when a plan of treatment is to be considered.

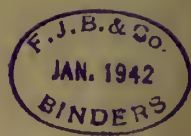
In closing writer feels that the Federal District Court in Boston has by its approach to the problem of sentence displayed a scientific, social viewpoint and that the pre-sentence investigation has made a definite contribution to this philosophy.

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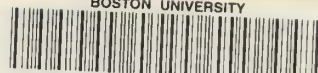
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